CLERK'S COPY.

72

1272

S. C.

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1905.

No. 237.

ETER PEARSON AND ENOCH PEARSON, PETITIONERS,

vs.

VILLIAM WILLIAMS, UNITED STATES COMMISSIONER OF IMMIGRATION AT THE PORT OF NEW YORK.

N WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT.

PETITION FOR CERTIORARI FILED APRIL 20, 1905.
CERTIORARI AND RETURN FILED JUNE 1, 1905.

(19,722.)

(19,722.)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1905.

No. 237.

PETER PEARSON AND ENOCH PEARSON, PETITIONERS

vs.

WILLIAM WILLIAMS, UNITED STATES COMMISSIONER OF IMMIGRATION AT THE PORT OF NEW YORK.

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT.

INDEX.

	Original.	Print.
Caption	a	1
Transcript from the circuit court of the United States for the southern district of New York	1	1
Affidavit of Eugene Treadwell	1	1
Petition for a writ of *habeas corpus*	2	2
Exhibit 1—Letter of Wm. Williams, commissioner, to Edward Lauterbach, March 23, 1904	9	6
2—Bureau circular No. 8, February 5, 1904	10	6
3—Warrant from Secretary of Commerce and Labor, March 2, 1904	13	8
Evidence taken before immigration officers, February 1, 1904	14	8
Testimony of Peter Pearson	14	8
Enoch Pearson	21	14
John Wakefield	22	15
—— Pearson (recalled)	24	17
Report of immigration inspector, March 13, 1904	25	17
Affidavit of Wm. B. Wilson	28	19

JUDD & DETWEILER (INC.), PRINTERS, WASHINGTON, D. C., DECEMBER 28, 1905.

	Original.	Print.
Letter, International Lace Mfg. Co. to Geo. A. Stevens, December 24, 1903	29	20
Affidavit of George A. Stevens	30	20
Peter Pearson	31	21
Enoch Pearson	32	22
John Wakefield	34	23
Statement of Wm. Scarlett, inspector	35	24
Affidavit of Wm. Wyld	36	24
Joseph S. Lesser	38	25
Joseph S. Lesser	41	27
Statement of Wm. Scarlett, inspector	42	27
Affidavit of Grant Kaley	43	28
Statement of Wm. Scarlett, inspector	45	28
4—Evidence taken before immigration officers, March 29 and 30, 1904	45	29
Warrant of arrest	45	30
List of exhibits offered, &c.	46	30
Testimony of John Wakefield	49	32
Enoch Pearson	71	50
Peter Pearson	84	61
J. S. Lesser	100	73
Peter Pearson (recalled)	127	93
Enoch Pearson (recalled)	128	93
J. S. Lesser (recalled)	129	95
John Wakefield (recalled)	132	96
Peter Pearson (recalled)	133	97
Enoch Pearson (recalled)	134	98
Wm. E. Junker	137	100
Exhibit E—Certificate as to landing of Peter Pearson	138	101
F—Certificate as to landing of Enoch Pearson	139	101
Affidavit of A. Stevens	140	102
Affidavit of Joseph S. Lesser	142	103
Writ of *habeas corpus*	146	106
Affidavit of service of writ	147	106
Opinion of Lacombe, J., May 12, 1904	148	107
Return to writ of *habeas corpus*	149	107
Warrant of arrest	151	108
Warrant of deportation	152	109
Answer to return	153	110
Order discharging petitioners	157	112
Order admitting to bail	159	113
Bail bond of John Wakefield	160	113
Peter Pearson	163	115
Enoch Pearson	164	116
Stipulation for addition to record	168	117
Exhibit 6—Letter of Secretary of Commerce and Labor to commissioner, May 3, 1904	169	118
Letter of Secretary of Commerce and Labor to Hoadly, Lauterbach, and Johnson, May 3, 1904	171	119

	Original.	Print.
Bail bond of Enoch Pearson	172	119
John Wakefield	175	121
Peter Pearson	178	123
Petition for appeal	181	124
Order allowing appeal, &c	183	126
Assignment of errors	185	126
Citation on appeal	187	128
Clerk's certificate	188	128
Opinion by Wallace, J	189	129
Decree	194	132
Clerk's certificate	196	132
Writ of certiorari	197	132
Stipulation as to return to writ of certiorari	200	133
Return to writ of certiorari	201	134

a United States Circuit Court of Appeals for the Second Circuit.

WILLIAM WILLIAMS, United States Commissioner of Immigration at the Port of New York, Appellant,

vs.

PETER PEARSON, ENOCH PEARSON and JOHN WAKEFIELD, Appellees.

Transcript of Record.

Appeal From the Circuit Court of the United States for the Southern District of New York.

1 United States Circuit Court, Southern District of New York.

In the Matter of The Application of PETER PEARSON, ENOCH PEARSON and JOHN WAKEFIELD, for a Writ of *Habeas Corpus*.

UNITED STATES OF AMERICA,
Southern District of New York, State and County of New York, ss:

Eugene Treadwell, being duly sworn, says:

That he is associated with Hoadley, Lauterbach & Johnson, the attorneys for the aliens Peter Pearson, Enoch Pearson and John Waketield, and has had charge of their interests in the deportation proceedings heretofore instituted against them under the warrant of the Secretary of the Department of Commerce and Labor, mentioned in the petition for a writ of *habeas corpus*.

That the records disclose that the said aliens came to this port by the Cunard Line steamship "Etruria," and that under the provisions of the law, aliens under deportation proceedings are sent back by the line upon which they came; that the steamship "Campania" of this line is advertised to sail for Europe on Saturday, April 23rd, 1904, and that the said aliens will probably be sent back by that steamship.

EUGENE TREADWELL.

Subscribed and sworn to before me this 20th day of April, 1904.

THOMAS J. SNEE,
Notary Public, Kings County.

[SEAL.]

Certificate filed in New York Co.

2 United States Circuit Court, Southern District of New York.

In the Matter of The Application of PETER PEARSON, ENOCH PEARSON and JOHN WAKEFIELD, for a Writ of *Habeas Corpus*.

To the Honorable the Judges of the Circuit Court of the United States in and for the Southern District of New York:

Your petitioners, Peter Pearson, Enoch Pearson and John Wakefield, respectfully show unto your Honors

I. That your petitioners, and each of them, are now confined at Ellis Island, in said Southern District of New York, in the custody of George B. Cortelyou, Secretary of the Department of Commerce and Labor of the United States of America, and of William Williams, Commissioner of Immigration of the Port of New York.

II. That your petitioners, and each of them, are aliens and subjects of Great Britain, and reside at Gouverneur, County of St. Lawrence, State of New York, and intend to become citizens of the United States.

III. Your petitioners further show, that heretofore, and on or about the 23rd day of March, 1904, your petitioners, and each of them, were arrested at said Town of Gouverneur, County of St. Lawrence, State of New York, by a person, or persons, purporting to be authorized officers of the United States Immigration Depart-
3 ment, and forthwith together taken, against the will of the said petitioners, to said Ellis Island in said Southern District, and there held and detained in the Immigration Building, where they now remain.

IV. That, as your petitioners are informed and believe, immediately after the arrest of your petitioners, counsel on their behalf, upon application to the said Immigration Commissioner, received a letter dated March 23rd, 1904, hereunto annexed and marked "Exhibit 1," which letter contained a printed circular of the Department of Commerce and Labor dated February 5, 1904, hereunto annexed and marked "Exhibit 2," and thereafter, and on March 24, 1904, upon application to the said Commissioner of Immigration at Ellis Island, your petitioners' counsel, E. H. Neary and Eugene Treadwell, under Subdivision "5" of the said printed circular, received from the said Immigration Commissioner, or from counsel in charge and representing the said Department of Commerce and Labor, copy of a warrant issued by Geo. B. Cortelyou, Secretary of the Department of Commerce and Labor, under which your petitioners were arrested; and also of all the evidence upon which it was claimed that the said Secretary had acted in directing said arrest, which said copy of said warrant and evidence is hereunto annexed and marked "Exhibit 3." That the hearing was adjourned until Tuesday, March 29th, 1904, upon which date your petitioners were brought before a Board of Special Inquiry constituted of three persons, in one of the rooms of the Immigration Building wherein your petitioners are confined, and on said 29th day of March, 1904, and on the following day, the 30th day of March, 1904, certain proceedings were had, evidence submitted, and your petitioners examined as witnesses, together with

Joseph S. Lesser, a copy of the stenographer's minutes of said proceedings being hereunto annexed and marked "Exhibit 4"

4 The exhibits referred to in the minutes (Exhibit 4) as offered by the counsel for the Commissioner of Immigration, are set forth in full in "Exhibit 3," except Exhibits "E" and "F," which appear in full at the end of the stenographer's minutes (Exhibit 4). The affidavits put in evidence on behalf of your petitioners, consisting of the affidavits of Joseph S. Lesser and Auberon Stevens (Exhibits C and D), appear in full in "Exhibit 5" hereunto annexed. During the whole of said proceeding your petitioners were in said custody, as aforesaid, and still remain at the present time against their will and consent.

V. Your petitioners further show that, as they are informed by their said counsel and believe, the said Board of Inquiry has recommended the deportation of two of said petitioners, the said Peter Pearson and the said Enoch Pearson, and the discharge of the said John Wakefield, but that the said John Wakefield, one of your petitioners, has not been discharged, and still remains in the said custody against his will and consent.

VI. Your petitioners further show that being, as aforesaid, British subjects, and intending to emigrate to the United States of America, and became citizens thereof, your petitioners took passage in the second cabin of the Cunard steamship "Etruria," leaving the port of Liverpool, England, on or about January 23rd, 1904, and arriving at the Port of New York, in said Southern District, on or about February 1st, 1904; that immediately on leaving said steamship, and while still on the dock of the said Cunard Company in said City of New York, your petitioners were taken into custody by persons purporting to be officials of the Immigration Department, and were forthwith taken to Ellis Island, in said Southern District, and brought before a Board consisting of the same three persons before whom your petitioners were brought and subsequently examined, on

5 the 29th and 30th days of March, 1904, and your petitioners were sworn and examined by the members of the said Board at great length, and in detail. At the close of the said examination your petitioners were discharged. A copy of the stenographer's minutes of the said proceedings, and of the testimony, is contained in "Exhibit 3" heretofore referred to.

VII. Your petitioners further show, as will appear from an inspection of the minutes of the said proceeding (Exhibit 3) held February 1st, 1904, that your petitioners, and each of them, were duly sworn, fully and exhaustively examined upon complaint made as to an alleged violation of the laws of the United States in coming as aliens to the United States, under contract or agreement, parol or special, express or implied, offer, solicitation, promise or agreement, to perform labor or service therein, and more particularly, for or in connection with Joseph S. Lesser or the International Lace Manufacturing Company, of Gouverneur, New York, and that at the close of such examination the decision of the said Board was unanimously in favor of your petitioners, and your petitioners were "unanimously admitted."

VIII. And your petitioners further show that such proceedings before said Board of Special Inquiry was held under and pursuant to the provisions of Sections 24 and 25 of the Act of March 3rd, 1903, and that the decision of said Board is, by law, made final unless appealed from, either by the alien or any dissenting member of said Board, as provided by said Section 25 of said act, and that the decision being in favor of your petitioners, and no member of said Board dissenting, no appeal from said decision was either permitted or, in fact, taken, and that, therefore, the said decision under the express terms of the statute became and was final.

6 IX. Your petitioners further show that neither in the evidence upon which the Commissioner of the Department of Commerce and Labor issued his said warrant for the arrest of your petitioners, nor in the evidence or testimony taken before the Board of Inquiry, pursuant to said warrant, on the 29th and 30th days of March, 1904, copies of all which evidence, testimony and papers have been annexed, and are contained in the Exhibits 3, 4 and 5, appeared, or was even suggested, any other charge or violation of law than the same charge or alleged violation, namely, of coming as aliens to the United States, under contract or agreement, parol or special, express or implied, promise, offer, solicitation or encouragement, with, by, or from the said Joseph S. Lesser or the International Lace Manufacturing Company, of Gouverneur, New York, upon which said charge the previous decision of the said Board of Special Inquiry lawfully constituted and unanimously made in favor of the said aliens, was, by law, final and without review.

X. Your petitioners are informed and believe, that the issuance of the said warrant of arrest by the Secretary of the Department of Commerce and Labor, the subsequent arrest of your petitioners, their detention, examination before said Board of Special Inquiry on said 29th and 30th days of March, 1904, and the continued detention of your petitioners, was and is unlawful, and wholly without authority, and your petitioners state that they did not come to the United States in violation of the Act of March 3rd, 1903, or of any law of the United States relating to the exclusion of aliens; and that said Department of Labor and Commerce, the said Secretary thereof, and the said Commissioner of Immigration of the Port of New York, were, and are, wholly without jurisdiction over your petitioners, and that the said proceedings of arrest, examination and detention of your petitioners was, and is, wholly without authority of

7 law, and that the present detention of your petitioners is wholly unlawful.

XI. Your petitioners further show that they are not, nor is either of them, in custody under or by color of the authority of the United States, except as above set forth, or committed for trial before any court thereof, or in custody for an act done or omitted in pursuance of a law of the United States, or of an order, process or decree of a court or Judge thereof; or in custody in violation of the constitution or of a law or treaty of the United States, or, being a subject or citizen of a foreign state, and domiciled therein, in custody for an act done or omitted under any alleged right, title,

authority, privilege, protection or exemption claimed under the commission, or order, or sanction of any foreign state or under color thereof, the validity and effect whereof depend upon the law of nations; or under the judgment, order, process or decree of any court or Judge of any State of the United States, or under or by color of the authority of any State of the United States, or committed for trial before any court of any State of the United States; and that the sole cause or pretence of your petitioners' imprisonment, according to the best of the knowledge and belief of them, and of each of them, is based upon the facts as hereinbefore alleged and stated.

XII. Your petitioners further say that no prior or other application for a writ of habeas corpus to review said detention and proceeding has been made to any Court or Judge.

Wherefore, your petitioners pray that a writ of *habeas corpus* may forthwith issue directed to George B. Cortelyou, Secretary of the Department of Commerce and Labor, and more particularly to William Williams, Commissioner of Immigration of the Port of New York, commanding him, the said Secretary, and him, the said Commissioner, forthwith to produce the bodies of your petitioners, Peter Pearson, Enoch Pearson and John Wakefield, by them imprisoned and detained, together with the cause of such imprisonment and detention, before this Court or a Judge of the Circuit Court of the United States for the Southern District of New York, so that the cause and detention of your petitioners may be inquired into, to the end that they may be discharged from confinement.

8

Dated April 20th, 1904.

PETER PEARSON,
ENOCH PEARSON,
JOHN WAKEFIELD,
Petitioners.

HOADLY, LAUTERBACH & JOHNSON,
Solicitors for Petitioners.

UNITED STATES OF AMERICA,
Southern District of New York, State and County of New York, ss:

Peter Pearson, Enoch Pearson and John Wakefield, each being duly and severally sworn for himself, says: he is one of the petitioners above named and has read the foregoing petition and knows the contents thereof, and that the same is true to his knowledge, except as to those matters therein stated to be alleged on information and belief, and as to those matters he believes it to be true.

PETER PEARSON,
ENOCH PEARSON,
JOHN WAKEFIELD.

Subscribed and sworn to before me this 20th day of April, 1904.

[NOTARY'S SEAL.] THOMAS J. SNEE,
Notary Public, Kings County.

Cert. filed in New York County.

9

EXHIBIT 1.

No. 22453.

Department of Commerce and Labor, Immigration Service.
Office of the Commissioner, New York, N. Y.

MARCH 23, 1904.

Edward Lauterbach, Esq., 22 William St., New York City.

SIR: Unless you are advised to the contrary, the hearing in the cases of certain aliens who are being brought under warrant of arrest to Ellis Island from Gouverneur, New York, on the charge of having entered the country in violation of the contract labor laws, will occur at Ellis Island on Friday morning, March 25, 1904, upon the arrival of the ferryboat leaving the Barge Office at 11 A. M.

I send you a copy of Bureau Circular No. 8 issued by the Department of Commerce and Labor containing the regulations governing the hearings in cases of this sort.

Respectfully,

WM. WILLIAMS,
Commissioner.

(Enclosure.)
J A M.

10

EXHIBIT 2.

Regulations Governing Warrants—Immigration Service.

Department of Commerce and Labor, Bureau of Immigration, Washington.

Bureau Circular
No. 8.

FEBRUARY 5, 1904.

To All Officers Charged with the Enforcement of the Immigration Laws:

You are hereby directed to conform in future, in making application for warrants for the arrest and deportation of aliens found unlawfully in the United States, to the following regulations:

(1) All such applications must be made, if possible, upon blank forms (No. 1565), which will be furnished upon written request to the Commissioner General of Immigration, Department of Commerce and Labor, and which must be filled out in accordance with the printed lines contained therein, and be accompanied by the certificate of landing, or entry (Form No. 1564), hereinafter prescribed, or if not so accompanied the reasons for the absence of such certificate must be given, and in that case all the facts called for in the blank form of said certificate shall be set forth in the application, so far as the facts are ascertainable.

(2) A full statement must be made in every such application of the facts, supported if practicable by affidavits which show the

resence in the United States of the alien, whose arrest and deporta-
on is sought, to be in violation of law.

(3) The certificate of landing in, or entry into, the United States must contain a complete statement in detail of all the facts disclosed as to any such alien by the manifest or list containing his name, with an attached certificate by the officer in charge of such manifest that the information given agrees in all rticulars with the record of such alien in said list or manifest.

(4) If the circumstances of any particular case necessitate resort request by wire, such request must state that the foregoing regu-ions have been complied with, and that the form of application l certificate hereinbefore mentioned have been forwarded to the partment, and must give the substance of the statement of facts tained in the said application and certificate.

(5) If, upon the receipt of any such application and certificate, of the request by wire provided for in Paragraph 4, either com-ely in conformity with these regulations or accompanied by a sfactory explanation of inability to comply therewith, it appear he Secretary that the alien whose arrest and deportation is sought n the United States unlawfully and that the time within which an be deported has not expired, a warrant for his arrest will be ed directing that he be taken before an officer, or officers, named ein, and there be given full opportunity to show cause, if there ny, why he should not be deported, and as soon as arrested said shall be apprised of his right to be represented by counsel, and nd his counsel shall have the right to inspect all the evidence which the Secretary has acted in directing said alien's arrest, be given an opportunity to offer evidence and submit an argu-t in his behalf, and be given an opportunity to inspect and make y of the report of the hearing and of the findings of the officers e whom it is held. In case said alien is unable to understand speak the English language, an interpreter shall, if possible, be employed at the hearing.

(6) If, after the receipt of the report of such hearing, accompanied by the findings of the officers before whom it eld, it shall appear to the satisfaction of the Secretary from e evidence, that such alien is in the United States in violation and that the time within which he can be deported has not d, a warrant will be issued for his deportation.

Officers are warned that their duties are not of an inquisitorial ; but they are directed to make thorough investigation of all where they are credibly informed, or have reason to believe, specified alien is in the United States in violation of law. It permissible for officers to resort to intimidation by threats or e in order to extort from any suspected alien or from any other the information to be embodied in the application for the t of arrest.

F. P. SARGENT,
Commissioner General.

roved:

GEORGE B. CORTELYOU, *Secretary.*

13 EXHIBIT 3.

Warrant—Arrest of Alien.

United States of America, Department of Commerce and Labor.

No. 43563.

WASHINGTON, *March* 2, 1904.

To William Scarlett and Lewis Jenik, Ellis Island, N. Y. H.:

Whereas, from evidence submitted to me, it appears that Peter Pearson, Enoch Pearson and John Wakefield, aliens who landed at the port of New York, N. Y., on the 1st day of February, 1904, have been found in the United States in violation of the Act of Congress approved March 3, 1903, to wit: Are alien contract laborers, I, George B. Cortelyou, Secretary of Commerce and Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said Peter Pearson, Enoch Pearson and John Wakefield, aliens, and convey them before the Board of Special Inquiry to enable them to show cause why they should not be deported in conformity with law.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 21st day of March, 1904.

(Signed) GEO. B. CORTELYOU,

[SEAL.] *Secretary of Commerce and Labor.*

14 At a Special Inquiry held at Ellis Island, N. Y., Feb. 1, 1904, Present, Messrs. Moler (Chairman), Weihe and Eppler, Inspectors.

FRANK L. GARBARINO, *Secretary.*

Case of Pearson, Peter, 44, m, England, ex s/s "Etruria," Feb. 1, 1904.

bro. do. Enoch, 34, m, C. L. C. "See confidential notice (2nd Cabin) No. 22453, Jan. 21, 1904.

WENRICH, *Inspector.*

Wakefield, John, 27, m, England, ex s/s "Etruria," Feb. 1, 1904.

"With Peter & Enoch Pearson; see confidential notice No. 22453, Jan. 21, 1904. C. L. C.

WENRICH, *Insp.*

Alien (PETER PEARSON), sworn, testified:

Mr. EPPLER: I want to warn you that you are expected to tell the truth here, plainly and simply; any perjury that you may commit here is punishable by a very heavy sentence of imprisonment at hard labor in this country. Any instructions that have been given you as to what statements to make to this Board, since your departure, must be disregarded,—and tell the truth here only.

Q. What is your name?
A. Peter Pearson.
Q. Age?
A. 44 years.
Q. Born in England?
A. Yes.
Q. Are you married?
A. Yes.
Q. Where is your wife?
A. In England. No children.
Q. Can you read and write?
A. Yes.
Q. What is your occupation?
A. Machine fitter, or rather, a machine erector—lace machinery; management of lace machines.
Q. Constructor of lace machines?
A. Not a constructor, a manager. I have invented machines of my own.
Q. Have you ever been in this country before?
A. Yes.
Q. How long?
A. Three months.
Q. How long since?
A. In 1893.
Q. Did you ever take out any papers (citizen) at that time?
A. No.
Q. Who paid your passage?
A. I came with an invention of mine to this country?
Q. I say, who paid your passage to this country?
A. Myself.
Q. Where are you going?
A. Going to stay in New York a day or two, and then we are going to a brother of mine in Wilkesbarre, Pa.
Q. What is your brother's name?
A. Philip.
Q. What is his address?
A. 6 E. Union St., Wilkesbarre.
Q. How long has he been there?
A. Five weeks about, as near as I can say.
Q. Married?
A. Yes.
Q. Wife with him?
A. No.
Q. What does he do?
A. Lace pattern corrector.
Q. Employed there?
A. Yes.
Q. With whom?
A. I could not give you the full title of the firm.
Q. Know what the name of it is, at all? Have you any address?
A. All I know is that the proprietors are Whitman & Coe.

Q. Have you got a ticket to your destination?
A. No.
Q. Have you got any money?
A. Yes.
Q. How much?
A. I have $75.
Q. When did you last hear from your brother?
A. I had only a letter from my brother since he landed in this country.
Q. How long ago since you received that letter?
A. He sailed from England on the 19th of December, and it will be about three weeks after that when I received word of his having landed safely in this country.
16 Q. Did he invite you to come to this country?
A. No.
Q. Have you the letter with you?
A. No.
Q. How long did you intend to stay in Wilkesbarre?
A. I could not say; I couldn't give any definite period.
Q. Where are you from in England?
A. Nottingham; I resided in Beeston Nots for 15 or 16 years.
Q. Have you no address outside that of your brother that you are going to?
A. No.

Mr. MOLER:

Q. What were you doing when in America in '93?
A. I was the inventor of a machine which was known as a reading and punching machine; reading and punching process in the manufacture of lace curtains; I invented this machine and patents were taken out in this country, and the man I worked for sent it over here to make a demonstration, and I came to erect the machine; but there was no demonstration made because the gentleman employing me intended to come to this country, but did not do so, so I went back again; the machine is in this country yet, as far as I know.
Q. What do you propose to do now in America?
A. Get a situation.
Q. As what?
A. My business really is in the pattern department of lace curtain manufacture. I am a lace curtain corrector.
Q. Are you a practical lace curtain weaver?
A. No, but I have had the management of a department which has given me facilities of learning the way of lace making, and am at the present time capable and have managed the machines.
Q. Were you invited by any person to come to this country?
A. Yes, if I said I had not been invited, I'd be telling a lie.

Mr. EPPLER:

Q. Tell the truth, yes or no?
A. Yes.

17 Mr. MOLER:

Q. By whom?
A. A gentleman named Lesser.
Q. Where does he live?
A. I don't know where he lives.
Q. Where did he live when he wrote you letter or invited you?
A. His address is 20 E. 20th St., New York City.
Q. What is his occupation or business?
A. He is a lace manufacturer, or rather, a man that is a lace salesman, as far as I can say.
Q. Did he hold out any inducement or offer you work if you came here?
A. Not particularly offered work; simply that he has got work.
Q. Has he work for you?
A. I could not say positively until I see him; he is here in this country now.
Q. Did he write you a letter inviting you to come here?
A. No.
Q. How did he invite you to come here?
A. He was in Nottingham.
Q. When was he there?
A. Two months ago.
Q. What did he say about your coming to America?
A. Did not make any statement.
Q. He requested you to come, didn't he?
A. I have known Mr. Lesser for a matter of 20 years.
Q. He requested you to come to America, did he or did he not?
A. No.
Q. Did he invite you?
A. Yes.
Q. What did he say he would do for you if you came here?
A. Made no statements.
Q. Promise to secure work for you; to help you secure work ?
A. No.
Q. Have you got any work promised or engaged anywhere in the United States?
A. No.
Q. The character of work you do in the lace business, is it difficult; in a general way, do you consider that you have a regular trade as a lace expert in lace machinery?
A. Yes; my knowledge is, in a sense, special.

18 Q. That is, it is special knowledge of lace making machinery more than it is in actual lace making?
A. Yes.

Mr. WEIHE:

Q. Do you know where any of the lace manufacturing establishments are in the State of New York?
A. There is one at Kingston.
Q. Any other place in New York State?
A. Kingston, as far as I know in New York. There is Wilkesbarre, Philadelphia, Hartford, Conn.

Q. Know whether there is any lace establishment in Gouverneur, N. Y.?

A. Yes, because this Lesser told me that.

Mr. EPPLER:

Q. Is he connected with that concern in any way?

A. Yes, I understand that he is; I don't know whether he is the owner or what he is.

Q. He is connected with the place in Gouverneur?

A. I understand so.

Q. Did he speak of that when you saw him at any time?

A. Nothing particular said.

Q. Did he mention that he was connected with the lace works in Gouverneur when you saw him in England?

A. Another, not himself.

Q. Did any one else tell you that?

A. We knew it by reputation.

Q. What was the understanding at the time you had conversation with Mr. Lesser, as to your coming to this country?

A. No understanding; knowing him the years I have known him; and I myself have been a manufacturer. I was not doing so well in the lace trade as I would like to have done; the lace business is in a poor way in Nottingham, and I had an idea from time to time, as the industry is growing in this country and there are openings for men coming to this country—I came with the idea of getting a situation in this country.

Q. Who came with you?

A. My brother and this young man here (Wakefield).

19 Q. Is he any relation to you?

A. No.

Q. What is his name?

A. John Wakefield.

Q. And for what purpose did you bring him with you?

A. Idea like myself, of getting a situation in this country.

Q. Invite him to come with you?

A. No.

Q. You are under oath now and this Board wants you to state whether or not you or your brother, or your companion, have any promise of work in your line of business from any one, directly or indirectly, in this country?

A. I will state directly, no.

Q. Indirectly?

A. Indirectly, probably I may have an idea that I shall be employed.

Q. By whom?

A. By Mr. Lesser; but no direct promise; only on the strength of my knowledge of him, years of knowledge, his work coming in the firm I had the management of a department.

Q. Any arrangement or understanding as to the compensation you will receive?

A. No; I could not make an arrangement with the man until after employed.

Q. Was it your understanding when you left the other side to come to America with your brother and your friend Wakefield, that you would receive employment with Mr. Lesser at your profession?

A. It was an understanding in this respect, that there was work there to be had.

Q. Was it your understanding that you would work for Mr. Lesser when you came here?

A. If Mr. Lesser will employ me, certainly I will work for him, if I can't get anywhere else.

Q. You understand what I am getting at here. I am asking a direct question,—did you come here with the understanding that you could or would make an arrangement with Mr. Lesser regarding employment in any factory that he was connected with in the lace business?

A. I certainly came here in that faith.

Q. Did Mr. Lesser at any time give you to understand, during your conversation with him, or through any other medium, that when you came to this country, you would receive employment in this factory? According to what your services were worth?

A. He inferred if I came to this country no doubt if I applied to him I would get a situation, but there was no understanding.

Q. Do you have at present any idea of applying anywhere until you see Mr. Lesser?

A. I am on a visit.

Q. You have no idea of applying for employment anywhere until you see Mr. Lesser?

A. Yes, I was going to my brother.

Q. After you had seen your brother?

A. After I see my brother, I would take any situation if I see one suitable for me. I came to work in the lace trade.

Mr. MOLER:

Q. You will take employment wherever you are able to receive it?

A. Certainly.

Mr. WEIHE:

Q. Was it understood between you and Mr. Lesser when you came here?

A. Yes, I am a free agent.

Q. Was it the understanding with you and Mr. Lesser that when you arrived here, he would direct you to go anywhere in the lace trade?

A. He would not direct me, certainly not. Mr. Lesser knows I have been in America, and during the period I was in America I was doing business, as the man that owned the machine did not come over, as explained some time ago, and I waited three months and during that time I was practically free. I went to the Chicago Exposition, Washington, Philadelphia, and several other principal towns, so that I consider that I had an opportunity to see the place and did not consider it necessary for any one to give directions for going around this country.

21 Mr. WEIHE:

Q. Were you employed in England before coming to America?

A. I had a business of my own, but it was slack; and simply because I had a trade, I thought it did not pay.

Alien (ENOCH PEARSON), sworn, testified:

Mr. EPPLER:

Q. What is your name?
A. Enoch Pearson.
Q. What is your age?
A. 34 years.
Q. Born in England?
A. Yes.
Q. Are you married?
A. Yes, wife there and six children.
Q. What is your occupation?
A. Mechanic, sir.
Q. What doing?
A. Lace mechanic.
Q. What, a weaver?
A. Yes.
Q. Ever been in this country?
A. No.

Mr. MOLER:

Q. What kind of a lace weaver?
A. Lace curtain weaver.
Q. Ever here before?
A. No, sir.

Mr. EPPLER:

Q. Who paid your passage?
A. Myself.
Q. And you came with your brother Peter?
A. Yes.
Q. Where are you going?
A. Going to my brother in Wilkesbarre.
Q. After that what are you going to do?
A. I will be with my brother all the while.
Q. Going to remain in Wilkesbarre?
A. I don't know, sir.
Q. With which brother do you intend to remain?
A. This one (Peter).
Q. What induced you to come to America?
A. I was working with my brother Peter in his place, and he asked me to come along with him instead of walking about and doing nothing.

22 Q. Got any money with you?
A. Yes, sir.

Q. How much?
A. £10.
Q. Got a ticket to Wilkesbarre?
A. I haven't got a ticket, I can get it.
Q. Have you any promise of work in this country?
A. No, sir.
Q. What do you intend to do?
A. I will look for a job.

Mr. MOLER:

Q. Ever receive a letter from anybody in this country inviting you to come here?
A. Never.
Q. Have you promise or assurance of work at your trade in this country?
A. No, sir.
Q. Simply come here for the purpose of securing work at your trade, if you can get it?
A. Yes, if I can.

Mr. EPPLER:

Q. Know this Mr. Lesser your brother spoke of?
A. No.
Q. Ever hear from him?
A. No, sir.

Mr. WEIHE:

Q. Any understanding between you and your brother that you would come with him and see Mr. Lesser?
A. No, sir.

Mr. EPPLER:

Q. Or anyone else connected with the lace business?
A. No, sir.

Alien (JOHN WAKEFIELD), sworn, testified:

Mr. EPPLER:

Q. What is your name?
A. John Wakefield.
Q. Your age?
A. 27 years.
Q. Native of England?
A. Yes, sir.
Q. Married?
A. Yes.
Q. Where is your wife?
A. At Nottingham.
Q. Any children?
A. Three.
23 Q. What is your occupation?
A. Lace curtain weaver.

Q. Can you read and write?
A. Yes, sir.
Q. Who paid your passage?
A. Paid it myself, sir.
Q. Where are you going?
A. I don't know; I was travelling with the Pearsons. Mr. Pearson said he was coming to America and I was doing very badly at the time. I saved a few pounds and it looked very much as if the little money I had saved would be spent, and there was lace interests in this country, so I thought I would try my luck here.
Q. How much money have you with you?
A. £5.10. I have more home; did not bring more; see if I would settle down here.
Q. You have no relatives or friends in this country? Except the Pearsons coming with you?
A. No, sir.
Q. No address to go to except with them?
A. No, sir.
Q. What is the prospect as to employment in this country at present?
A. I think pretty fair; better than at Nottingham at all events.
Q. Have you received an invitation from anyone in conjunction with your companions, to come to this country to perform work as a lace weaver?
A. No, sir.
Q. And as you stand here now, have you a promise of employment at your trade anywhere in this country?
A. No, sir.

Mr. MOLER:

Q. What are you, a lace curtain weaver?
A. Yes, sir; I have been pretty well through the trade. Have a general knowledge of the inside of such machinery—a little, but of inside work as well.
Q. Now you state positively on your oath here that you have no arrangement with anyone in this country to secure work for you?
A. No, I have not, sir.

24 Mr. WEIHE:

Q. Did you know Mr. Lesser?
A. No. Never heard of him before.
Q. Ever see him?
A. Never saw him.

Mr. MOLER:

Q. Where are you going from here now?
A. To Wilkesbarre with my companions.

Mr. WEIHE:

I move to admit:

Allen PEARSON recalled:

Mr. EPPLER:

Q. Do you want to stop in New York first?
A. That was my original idea.
Q. For what purpose?
A. For no purpose at all.
Q. What was your object to go to New York?
A. To come to New York is all.
Q. Is it not a fact that you want to go to New York, to 20 E. 20th St., to see Mr. Lesser?
A. It is not a fact that I should do so; I should see my brother first of all.
Q. Then you intend to go to New York?
A. I should go on first landing in this country to see my brother and see how he is getting along, merely out of the spirit of anxiety.
Q. We understand that thoroughly; we appreciate your position, but I want to find out what your intention is in going to New York, whether it is to go to New York first and then to Wilkesbarre, or Wilkesbarre and then to New York?
A. There was no such purpose in my mind at all; I said New York because we came to New York.

Mr. EPPLER: I second motion to admit.
Mr. MOLER: They are admitted.
Aliens unanimously admitted.

25 ELLIS ISLAND, N. Y., *Mch.* 13, '04.

Hon. William Williams, Commissioner of Immigration.

SIR: In obedience to instructions to me in your letter of Mar. 8th I went to Gouverneur, N. Y. After a few hours spent in preliminary inquiry, I found two Americans—Geo. A. Stevens and William Wilson—employed in the lace factory as weavers, and took their affidavits as to all facts in their knowledge pertaining to the circumstances of the employment of foreigners there. Their affidavits are annexed hereto—(1 & 2). The persons particularly referred to in your letter, Peter and Enoch Pearson and John Waketield, I located at the Brooklyn House and interviewed each one privately and in the order named, and their affidavits were taken and are annexed hereto—(3, 4 & 5). A supplementary statement of admission by Peter Pearson at a later time is also annexed hereto—(6).

The affidavit of William Wyld was taken after interview, and is also annexed hereto—(7).

Investigation of charges given currency through the local representative of the American Federation were thoroughly investigated as far as the charges might offer evidence of violation of the contract labor exclusion law, and the representative of the A. F. of L. before mentioned admitted frankly that he had been deceived and that there was nothing in these charges. His name is Patrick Cline. After conversation with the Mr. J. S. Lesser, the President of the International Lace Mfg. Co., I secured two affidavits from him which are hereto annexed—(8 & 9).

A further supplementary statement of admission and allegations by Mr. J. S. Lesser is also annexed hereto—(10).

Pursuing my inquiries in other directions I met one Grant Kaley, whose affidavit is annexed hereto—(11).

26 A long interview with Edwin Roberts elicited a general denial of Kaley's allegation, and I am inclined to discredit Kaley's sworn statement, although if true, and it were possible to substantiate it, the important fact would be clearly established that these men, Wyld and Gane, were expected on the steamer "Campania" by the manager of the lace factory at Gouverneur. I did not ask Roberts for affidavit, but my statement of the facts, admissions and denials obtained from him in the course of an examination and conversation extending over an hour and a half is annexed hereto—(12).

Mr. Lesser's statements to me and the admissions and allegations made by him in his affidavits and subsequent conversation were investigated by me by inquiry among the business people of the town, including Mr. B. F. Brown, Secretary and Manager of the Gouverneur Savings and Loan Association, who had been the active person or promoter through whom most of the stock held by Gouverneur people had been sold.

To sum up the results of the investigation:

As to the suspected importation of Peter and Enoch Pearson and John Wakefield, it seems impossible to avoid the conclusion that an attempt has been made to evade the law. Mr. Lesser's statement that he made no arrangement with these men in his office in New York and that he paid no part of their transportation from Nottingham, England, to Gouverneur, New York, seems to be flatly contradicted by the evidence of the men themselves, who state that their transportation and all expenses from New York to Gouverneur were paid for them by Thompson, Lesser's shipping clerk, who had been in Lesser's employ for fourteen years and was sent with them from New York City to Gouverneur, that Lesser told them in his New York office that there were situations for them each and all at his Gouverneur Lace Factory, and Peter Pearson says positively that his arrangement was made with Mr. Lesser at his New York office

27 to work as Assistant Overseer of the looms at the Gouverneur factory. Mr. Lesser's statement under oath shows that he knew quite clearly in the month of November, 1903, what were the provisions of the Contract Labor Exclusion Law, and his statement of his fruitless efforts to find skilled labor to operate his mill in Gouverneur and his allegation that such skilled labor can be obtained only in England and in Switzerland and not in the United States, seem to be important.

As to Mr. Lesser's charge that representatives of an American branch of the English Chartered Society of Amalgamated Lace Operatives had offered him all the skilled labor he might require to run his mill and his further charge that union men were being brought over to America under contract by and at the expense of these representatives of the Amalgamated Operatives, the statement of William Wyld under oath that he had seen in the Nottingham

Evening Post advertisements for weavers to work at Wilkesbarre, Pa., and Philadelphia, is interesting, and the fact that Englishmen, members of labor unions in England, are sending money to these English unions to pay their dues and keep their "clearance" papers good, would seem to indicate that further investigations along this line are necessary.

It will be noticed that the persons charged by Mr. Lesser with violation of the contract labor exclusion law, are the identical Association from which the confidential advice to the Immigration Department came, and the complaint of the importation of Peter and Enoch Pearson and John Wakefield. I, of course, gave Lesser no information in regard to Department matters except to inform him that all cases coming before Boards of Special Inquiry were looked into and thoroughly investigated.

Respectfully submitted.

WILLIAM SCARLETT,
Immigrant Inspector.

28 STATE OF NEW YORK, *County of St. Lawrence.*

William Wilson, being of full age, being duly sworn, doth depose and say, that he is a native born American citizen and came to Gouverneur, New York, on the 7th day of December, 1903, having applied by letter to the International Lace Co. of Gouverneur, New York, for work as lace weaver, and having received letter in reply offering him work at "Union" prices on piece work; that on or about February 3d, 1904, one Wakefield and another arrived in Gouverneur and were put to work in the lace mill, that he, William Wilson, was at the time temporarily idle on account of his machine having broken down and that on the same day when these men arrived, he, William Wilson, asked the Superintendent, one Stevens, if he could not be put to work, and was told that there was no work for him to do until his machine was fixed; that he then asked Supt. Stevens why he could not be given work same as had been given Wakefield and the other man who were new arrivals, and Supt Stevens told him that the work suggested was not necessary to be done, and that there was nothing for him until his machine was repaired; that he, William Wilson, then suggested that if he were an Englishman some work would be found for him and that Supt. Stevens said nothing and walked away from him. He, William Wilson, also says that he is at present working for the International Lace Co., and that his permanent home is with his mother, Elizabeth Wilson, at Washington Borough, Lancaster Co., Penna.

WM. B. WILSON.

Sworn and subscribed before me this 10th day of March, 1904.

WILLIAM SCARLETT,
Immigrant Inspector.

LETTER WITH EX. No. 2.

Selling Agents, J. S. Lesser & Co., 20, 22, 24 East 20th Street, Near Broadway, New York.

International Lace Manufacturing Co., Gouverneur, N. Y.

DEC. 24th, '03.

Mr. Geo. A. Stevens, 69 West Ave., Patchogue, N. Y.

DEAR SIR: Your letter addressed to the Treas. of our Company, Mr. B. G. Parker, has been handed over to us, and in reply to same wish to state that we pay our weavers union rack prices. We run our looms 24 hours a day on 12 hour shifts. We need good weavers on 7, 8, and 10 Pt. machines.

The town our mill is located in is one of the finest places in New York State, and we are also proud to state that we have the finest Lace Mill in this country.

If you have a family we wish to call your attention to the facilities and advantages a family man has in this town. We have good schools, fine climate, rent is cheap and living expenses in general are cheap. Our workmen live in cottages pleasantly situated and rent same for $7.00 to $10.00 per month. Several of our men who have been living here but a short time are paying for their homes with the rent. The Lace Company is trying to do all they possibly can for their employees to make them comfortable and to have them remain here, as we do not like to make changes, and if you are an attentive sober man, understanding weaving thoroughly, take care of the machine you are given charge of, there will be no question but what you will be well pleased for coming to our town and working for our Co.

If you decide to accept this job, kindly let us know at once, or you can come without any further correspondence. Our New York office is 20 East 20th Street, and you can call there and the Presi-
30 dent of our Company, Mr. J. S. Lesser, will give you any further information you may desire.

Yours very truly,

INTERNATIONAL LACE MFG. CO.
Per M. L.

STATE OF NEW YORK, *County of St. Lawrence.*

George A. Stevens, being of full age, being duly sworn, doth depose and say, that he is a native born American citizen; that in December, 1903, he received from the International Lace Co. a letter which is annexed hereto, offering him employment as lace weaver; that he then called upon Mr. J. S. Lesser, the President of the International Lace Co., at his office, No. 20 E. 20th Street, New York City, and inquired of him what machines were in use and how much money a man could make; that Mr. Lesser informed him that the machines were of the Company's own pattern and that a good man could make from $20 to $25 per week. He, Geo. A. Stevens, further

says that he accepted the offer of employment and reported for work just before New Year's Day, Jan. 1, 1904; that the machines are two makes, "Newton and Picroft" and "Hutton," and are not different from machines he has worked at in other places; that he has not been able to make more than $14 in any one week, and has not averaged over $13 per week; that his permanent home is with his mother, Julia E. Stevens, at 69 West Ave., Patchogue, New York. He also says that on or about February 3d one Wakefield and another arrived in Gouverneur and that they have been given steady work from that time until now. He, Geo. A. Stevens, is now in the employ of the International Lace Co.

GEORGE ALBERT STEVENS.

Sworn and subscribed before me this 10th day of March, 1904.

WILLIAM SCARLETT,
Immigrant Inspector.

31

EXHIBIT No. 3.

STATE OF NEW YORK, *County of St. Lawrence.*

Peter Pearson, being of full age and understanding, being duly sworn, doth depose and say, I am a citizen of Great Britain, forty-four years of age, and came to America by the steamship "Etruria," arriving in New York Feb'y 1st. My statements before the Board of Special Inquiry were true and conscientious in every particular. On leaving Ellis Island I went with my brother Enoch and John Wakefield to get something to eat and then we all went up to see Mr. Lesser at No. 20 E. 20th Str. We looked around the place of Mr. Lesser's and explained the situation to him, and made an arrangement that I should come up to Gouverneur to work as Ass't Overseer of the looms, and my brother and John Wakefield were to apply to the Manager, Mr. Stevens, at the factory at Gouverneur for situations as weavers, Mr. Lesser informing us that there were situations for them in that capacity to be had on application to the manager. We then went to the Continental Hotel on Broadway near 20th Street and stayed there one night. The next day, Tuesday, Feb'y 2d, we spent in looking around New York and attending to transfer of our luggage and left for Gouverneur by the 11.30 P. M. train Tuesday night. We came direct to Gouverneur, but on account of being snow bound took 31 hours on the journey, reaching Gouverneur on Thursday morning, February 4th. We reported at the factory of the International Lace Mfg. Co. and spent the remainder of the day in securing lodgings and getting settled and went to work, in accordance with the understanding with Mr. Lesser, on Friday morning, February 5th, and have been working there since that time continuously. I have no written agreement with Mr. Lesser or the International Lace Mfg. Co. I simply asked Mr. Lesser
2 what chance there would be in his factory for myself and my brother. I was there in business for myself, but contemplated closing out my business as it was unprofitable. I should

have sold out my business anyway independent of any intention of coming to America. I brought sufficient money with me to keep myself and my brother for a time in case we should be unable to find work and to take us back to England. This money is intact as I have never broken into it. I have no relatives in America except my brother who came with me and my brother Phillip who is in Wilkesbarre, Penna. He came to America in December, 1903. In reply to my question asked of Mr. Lesser in October or thereabouts hereinbefore referred to, Mr. Lesser said that if I ever was in America he would be only too pleased to give me a situation if he had one to give.

PETER PEARSON.

Sworn and subscribed to this 10th day of March, 1904, before me
WILLIAM SCARLETT,
Immigrant Inspector.

EXHIBIT No. 4.

STATE OF NEW YORK, *County of St. Lawrence.*

Enoch Pearson, being of full age and understanding, being duly sworn, doth depose and say, I am a citizen of Great Britain, thirty-five years of age, and came to America by the steamship "Etruria," arriving in New York Feb'y 1st. My statements before the Board of Special Inquiry were true in every particular. On leaving Ellis Island I went with my brother, Peter, and John Wakefield to see Mr. Lesser at No. 20 E. 20th Street. That was the first time that I had ever seen Mr. Lesser. I had heard of him as a buyer, but did not know that he was connected with a factory in Amer-
33 ica. My brother had never told me that. Mr. Lesser told me that there was a situation for me in his factory at Gouverneur, N. Y., if I applied to the manager there, Mr. Stevens. This was in answer to my inquiry if there was any chance for me to get a job. My brother Peter had told me who Mr. Lesser was and that he was connected with a lace factory on our way up there from Ellis Island. Until I saw Mr. Lesser it was my intention to go to my brother Phillip at Wilkesbarre, Penna., where I supposed it was my brother Peter's intention to go. I still believe that it was his intention to go to Phillip at Wilkesbarre up to the time when the interview with Mr. Lesser took place, which resulted in our coming directly to Gouverneur. My brother Peter paid my passage. I had been working for Peter for the last nine months. Previous to that for fifteen years I had worked for the Anglo-Scotian Mills of Beeston, England. We all came directly to Gouverneur together, leaving New York on the 11.30 P. M. train on Tuesday night, Feb'y 2d. We were accompanied by a young man from Mr. Lesser's office to show us the way. I do not know his name. We reached Gouverneur on Thursday morning, Feb'y 4th, and went to the Mill, then came to the place where we are now stopping, the Brooklyn House, with a man named Egan who was sent with us from the mill. We reported for work the next morning and have been employed there

continuously since. I have not yet taken out any papers or declared my intention of becoming an American citizen, but it is my intention to do so, regardless of what my brother Peter may do.

ENOCH PEARSON.

Sworn and subscribed to before me this 10th day of March, 1904.

WILLIAM SCARLETT,
Immigrant Inspector.

34 EXHIBIT No. 5.

STATE OF NEW YORK, *County of St. Lawrence.*

John Wakefield, being of full age and understanding, being duly sworn, doth depose and say: I am a citizen of Great Britain, twenty-seven years of age, and came to America by the steamship "Etruria," arriving in New York Feb'y 1st. My statements before the Board of Special Inquiry were true in every particular. On leaving Ellis Island I went with the two brothers, Peter and Enoch Pearson, to see Mr. Lesser, at No. 20 E. 20th Street. I asked Mr. Lesser if there was a chance for a situation for me at his factory as weaver, and he told me "yes," and referred me to his manager, Mr. Stevens. Mr. Lesser sent a young man from his office up to Gouverneur with us. This young man's name was either "Thompson" or "Robinson," I do not clearly remember which. He paid our fares and all expenses to Gouverneur, N. Y. I paid my own passage from England to New York. I do not remember that I had ever seen or heard of Mr. Lesser until I saw him in New York. Certainly I had never received any letters from him. I had heard of the mill of the International Lace Mfg. Co., as a mill just commencing before I left Nottingham, England, as the manager of the mill is a Nottingham man, a Mr. Stevens, and I had often seen the machinery for the mill on its way to America. We all came directly to Gouverneur, and reported at the mill. A weaver named Egan was sent with us to the place where we are now staying, the Brooklyn House. We spent the rest of the day of our arrival getting settled and reported at the mill the next morning for duty and have been employed there continuously since. We three, the two Pearsons and myself, left Nottingham by the same train. I have no relatives in America except several first cousins whose address I have in Philadelphia, but I have never seen them to the best of my knowledge, nor corresponded with them. I have not yet taken out any papers or declared my intention to become an American citizen, but it is my intention to do so. I have a wife and three children in England, and hope to send over for them as soon as I can establish myself.

35

JOHN WAKEFIELD.

Sworn and subscribed to before me this 10th day of March, 1904.

WILLIAM SCARLETT,
Immigrant Inspector.

Statement by William Scarlett, Immigrant Inspector, with Reference to the Second Interview with Peter Pearson.

Noticing that Peter Pearson had not mentioned in his affidavit the man from Lesser's New York office, who had brought him, his brother and John Wakefield to Gouverneur, N. Y., I went back to him a second time and he admitted to me that this man, whose name is Thompson and who is the shipping clerk at the Gouverneur Lace Factory, had paid the transportation and all expenses of the entire party from New York to Gouverneur, N. Y. He also said that Thompson was a Scotchman, and had been in Lesser's employ for about fourteen years.

WILLIAM SCARLETT,
Immigrant Inspector.

March 11th, 1904.
Gouverneur, New York.

36 EXHIBIT No. 7.

STATE OF NEW YORK, *St. Lawrence Co.:*

William Wyld, of full age and understanding, being duly sworn, doth depose and say:

I left England by steamship "Campania," arriving in New York Feb'y 20th. I was accompanied by a friend by name Wm. Gane, a former shopmate and particular friend. We each paid our own passage. We came by second cabin and were discharged at the Cunard dock by the inspector. On the ship with us was Mrs. Roberts and child whom we afterward learned were the family of Edwin Roberts, whom we knew was working for some lace factory in the States. Mr. Roberts was on the Cunard Pier to meet his wife and child and spoke to us and gave us Mr. Lesser's address. We called at Mr. Lesser's address, but did not find him in and then continued our journey to Albany, where we spent two days visiting my mother, brothers and sister and my son. My son has been in this country for two years, and the other Albany relatives have been in America for upwards of twenty-five years. My father, who is now dead, was a naturalized American citizen. I am forty-two years of age and have never been in America before. I have been a weaver since I was eighteen years of age, and for five years before was in the fitting shop. I paid my own fare to Gouverneur, N. Y., and applied for work at the Lace Mills and was given work nights as overseer of weavers at $15 the first week, with promise of higher pay the subsequent weeks. I expect to get twenty dollars this week. I have no written contract as yet, but expect one, as it is customary. I am now merely on my trial. I have known of Mr. Lesser in the old country as a large buyer of lace goods. I have seen his name published in English newspapers as one of the large buyers for American trade.

37 I have never seen any advertisements for help wanted as weavers by the International Lace Mfg. Co., but have seen

such advertisements in the Nottingham Evening Post for weavers to work at Wilkesbarre, Pa., and Philadelphia, Pa. These advertisements appeared in the summer of 1903 and applicants were directed to apply to a certain box, Evening Post Office. I am not only a weaver but a machinist as well, and able to repair machines that upset, that is, to readjust them. I have a wife and three daughters and a son unmarried in my family at Beeston, England.

Wm. Gane, my friend before mentioned, came with me to Gouverneur and applied for work as weaver and was given work and is working nights one week and days the next week in the factory of the International Lace Mfg. Co.

WILLIAM WYLD.

Sworn and subscribed to before me this 11th day of March, 1904.

WILLIAM SCARLETT,
Immigrant Inspector.

38 STATE OF NEW YORK, *County of St. Lawrence:*

Joseph S. Lesser, of full age and understanding, being duly sworn, doth depose and say, I am forty-nine years of age, a naturalized American citizen, and with my brother, Morris Lesser, have been in business as importing merchants for upwards of twenty years, having a shipping office in Nottingham, England, and a store and office in New York City.

In August, 1902, the International Lace Mfg. Co. was formed by myself and my brother Morris, in connection with many of the most prominent citizens of Gouverneur, and other persons in different parts of the United States, and the factory was built in Gouverneur capable of employing one thousand hands.

In May, 1903, operations in the manufacture of lace were commenced with the employment of local help and some experienced hands from Boston and a skillful machinist, named A. Stevens, who had formerly been employed in a lace mill in Wilkesbarre, but had returned to England. Mr. Stevens, knowing that I was buying machinery, for the Gouverneur Mill, in Nottingham, came to my New York office and applied for a situation. He satisfied me that he was the proper person to put the Gouverneur mill in operation, and I engaged him to come to Gouverneur for that purpose. I had had various conversations with him in England, but had made no engagement with him. I had only asked his advice and sought information from him on the subject of machines which I was about to order.

We have advertised extensively for skilled help, in the newspapers in the United States circulating in cities where such persons would be likely to be found and have been able to secure but very few,
and we have now over $50,000 worth of machinery idle in
39 the factory for want of skilled labor which we are unable to
obtain in the United States. We have never advertised for help in English papers or in any way have advertised for help in any foreign country. The shipping office in Nottingham which has been maintained by my brother and myself for years is being wound

up and is to be abandoned in the near future. No one there has ever had any authority to represent us except for the purpose of making out invoices for goods exported to the United States.

I have been accustomed to spend three months in England every summer and three months also every winter during the buying season for the past twenty-five years.

I have known Peter Pearson for a good many years as a skillful machinist, as an inventor of special machinery and as a manufacturer of laces on his own account. He came to see me at my office in Nottingham, England, at various times in October, November and December, 1903, and asked me what were the chances in America. He stated that he intended to close out his business as it was unprofitable and asked my advice. I advised him as a friend that there were good prospects in America and that he could certainly do well. I made no arrangements with him, and later heard that someone named Pearson had come to America and gone to Wilkesbarre. I supposed that this man was Peter Pearson until months afterwards, when Peter Pearson came to my New York office. I was very much surprised to see him as I thought he was in Wilkesbarre. He told me that was his brother, and that he had had word from his brother in Wilkesbarre of the advantages in America and he decided to come. I persuaded him to come and see our place at Gouverneur, and take his two friends with him. I had never seen them before, but Mr. Pearson introduced them, one as a brother and the other as a friend. They said that they also came to this country to better themselves, as the old country was no good since the Americans are not buying there. They told me that they were going to Wilkesbarre, but I persuaded them to go to Gouverneur first, as we wanted help in the mill, and I knew if they went to Wilkesbarre first, we should never see them. Naturally, I did that for my own interest. I made no arrangements with them in New York whatever, but they came to Gouverneur, and applied at the mill, my brother being in charge, and they were given work by the men who were in charge of the departments where they could be used and they are now employed here. I advanced them no money and paid no part of their passage money or transportation from Nottingham to Gouverneur. There has been no written agreement with them and they are simply employed from week to week. We have the right to discharge them and they to leave our employment at the end of any week. With reference to Wm. Wyld, who recently came here to work, I never saw or knew the man until he landed in Gouverneur, but I am informed that while he recently came from England he did not come direct to Gouverneur, but came here from Albany where he had a son.

JOSEPH S. LESSER.

Sworn and subscribed to before me this 11th day of March, 1904.

WILLIAM SCARLETT,
Immigrant Inspector.

41 EXHIBIT No. 9.

STATE OF NEW YORK, *County of St. Lawrence:*

Joseph S. Lesser, of full age and understanding, being duly sworn, doth depose and say: I am forty-nine years of age and have been in the Lace business for over twenty years as an Importing Merchant, having a shipping office in Nottingham, England, and a store and office in New York at 20 East 20th St. It has been my custom to spend alternately about three months in England and the same length of time in the United States.

On a certain occasion in or about the month of November, 1903, I was approached by two men in my office in England, who asked me for work in America and an advance of money to pay their passage. I stated to them that it was impossible for me to do so as the Contract Labor Exclusion Law made it illegal to make a contract in a foreign country for services to be performed in the United States, or to advance any money to assist immigrants to come over under an agreement that work was to be performed.

They informed me that the Lace Makers Union in Philadelphia and Wilkesbarre were advancing the money to bring over union men under the agreement that they would work only where the union directed, and repay the union the money advanced. The names of these men I do not know at present, but may obtain them.

I refused to entertain their proposition knowing that it would be a violation of the law, although I needed help at the time. I told them that if they would come over to America they would no doubt find plenty of work, but they said that they had no money and the interview terminated.

JOSEPH S. LESSER.

Sworn and subscribed to before me this 11th day of March, 1904.

WILLIAM SCARLETT,
Immigrant Inspector.

42 *Statement by William Scarlett, Immigrant Inspector, with Reference to Conversation with Mr. J. S. Lesser.*

Having taken Mr. Lesser's affidavit, he and I had some further conversation, in the course of which he said that the President and Secretary of the Amalgamated Society of Lace Operatives from Philadelphia, Pa., had called upon him at his office in New York City and had offered to furnish him with all the skilled labor he needed, provided he would sign an agreement with them to make his factory a union shop. He alleged that the American Society is only a branch of the English Society to whose officers they are entirely subservient, and that this English society is directly importing contract laborers into America under ironclad contract. He further explained that if he were to accept the offer of this Amalgamated Society he would have to discharge the local help employed

in his factory, as the rules of the union limit the number of apprentices which may learn in a union shop, that he pays union wages, that the business is of very recent establishment in this country and that there are several other plants not yet in full operation in the United States besides the Gouverneur establishment, who must have skilled laborers in large numbers, and such can only be obtained in England or Switzerland and not in the United States. After this conversation Mr. Lesser, at my request, showed me through his factory.

WILLIAM SCARLETT,
Immigrant Inspector.

Gouverneur, New York, March 11, 1904.

43 STATE OF NEW YORK, *County of St. Lawrence:*

Grant Kaley, of full age and understanding, being duly sworn, doth depose and say:

I am 32 years of age, married, native born American citizen and am working for the International Lace Mfg. Company in their mill at Gouverneur as a weaver. About three weeks ago, one evening at Nickerson's boarding house on Main St., I was talking with one Edwin Roberts, a machinist employed by the International Lace Manufacturing Co., and he told me that he was going down to New York to meet his wife and child who were coming from England and that Mr. Lesser had asked him to meet two men who were coming on the same boat with his wife from England. When Roberts returned with his wife and child to Gouverneur, I asked him where the two men were, and he said they stopped over at Albany for a few days.

GRANT KALEY.

Sworn and subscribed to before me this 11th day of March, 1904.
WILLIAM SCARLETT,
Immigrant Inspector.

Statement by William Scarlett, Immigrant Inspector, with Reference to an Interview with Edwin Roberts.

On Friday evening, March 11th, I called at the home of Edwin Roberts, and questioned him regarding several matters pertaining to the employment of foreigners in the factory of the International Lace Manfg. Co., and learned from him the following facts: That he is employed as machinist in the factory of above-named company at Gouverneur, N. Y.; that he came from England about Nov. 19, 1903, and secured work at the factory before mentioned; that
44 no contract was made with him in England, and he has no written contract with the company, but thinks he could find work elsewhere in the United States should he lose his job here as he is an all round practical machinist. Expecting his wife and baby from England on the steamship "Campania" on or about February

20th, he went down to New York City to meet them; that he paid his own and his famliy's expenses and the trip cost him about thirty dollars; that the manager of the factory objected to his going down to New York to meet his family, telling him that his time could not be spared and that Mr. Lesser or some one from Mr. Lesser's New York office would meet Mrs. Roberts and child and see them safely on board the train for Gouverneur. He denied that he expected to meet anyone except his wife and child, but said that before he saw his wife he recognized two men a long distance away on the Cunard pier by their peculiar neck dress as being from Nottingham or that part of England that he had come from. Approaching them he found that they were William Wyld and William Gane, and my recollection is that he said he "took them" to Mr. Lesser's office. They did not leave New York by the same train that brought him and his wife and baby to Gouverneur. When he came to this country he got his "clearance papers" from the English union to which he belongs and he now remits money to this English labor union to "keep his clearance good," at regular intervals. I did not go into this to learn just what he meant. He said he intended to inquire if there was not some one in America he could pay the money to and save the expense of sending the money across to England. Roberts talked with apparent candor. I did not ask him to make any affidavit as I did not think it important and the hour was growing late.

WILLIAM SCARLETT,
Immigrant Inspector.

Gouverneur, New York, March 11, 1904.

45 First Board.

EXHIBIT 4.

At a Special Inquiry held at Ellis Island, New York, March 29th, 1904. Present: Messrs. Moler (Chairman), Weihe and Eppler, Inspectors. Also present, Mr. Paddock, Attorney for the Commissioner of Immigration, and Messrs. Neary and Treadwell, Attorneys for Peter Pearson, Enoch Pearson and John Wakefield, brought before the Board on Warrant of Arrest.

Hearing commenced at 11:45 A. M. Geo. S. Curry, Secretary.

Mr. PADDOCK: I desire to offer in evidence this warrant (as follows):

Warrant—Arrest of Alien.

United States of America, Department of Commerce and Labor.

No. 43563.

WASHINGTON, *March* 21, 1904.

To William Scarlett and Lewis Jenik, Ellis Island, N. Y. H.:

Whereas, from evidence submitted to me, it appears that Peter Pearson, Enoch Pearson and John Wakefield, aliens who landed at the port of New York, N. Y., on the first day of February, 1904, have been found in the United States in violation of the Act of Congress approved March 3rd, 1903, to wit: Are alien contract laborers, I, George B. Cortelyou, Secretary of Commerce and Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said Peter Pearson, Enoch Pearson and John Wakefield, aliens, and convey them before the Board of Special Inquiry to enable them to show cause why they should not be deported in conformity with law.

46 For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 21st day of March, 1904.

(Signed) GEORGE B. CORTELYOU,

[SEAL.] *Secretary of Commerce and Labor.*

M. S. L.

I also desire to offer in evidence the papers upon which this warrant was issued: Letter addressed to William Williams, Commissioner of Immigration by William Scarlett, Immigrant Inspector, dated March 13, 1904, together with certain Exhibits thereto attached and numbered 1 to 12 inclusive.

Letter as above put in evidence and marked Exhibit A.

Exhibit No. 1. Affidavit of William B. Wilson, verified March 10, 1904.

Exhibit No. 2. Affidavit of George Albert Stephens, verified March 10, 1904, with letter attached.

Exhibit No. 3. Affidavit of Peter Pearson, verified March 10, 1904.

Exhibit No. 4. Affidavit of Enoch Pearson, verified March 10, 1904.

Exhibit No. 5. Affidavit of John Wakefield, verified March 10, 1904.

Exhibit No. 6. Statement of William Scarlett, dated March 11, 1904.

Exhibit No. 7. Affidavit of William Wyld, verified March 11, 1904.

Exhibit No. 8. Affidavit of Joseph S. Lesser, verified March 11, 1904.

Exhibit No. 9. Affidavit of Joseph S. Lesser, verified March 11, 1904.

47 Exhibit No. 10. Statement of William Scarlett, in reference to conversation with Mr. J. S. Lesser, dated March 11, 1904.

Exhibit No. 11. Affidavit of Grant Kaley, verified March 11, 1904.

Exhibit No. 12. Statement of William Scarlett, with reference to interview with Edwin Roberts, verified March 11, 1904.

Exhibit B. Minutes of previous hearing of this particular case, on February 1, 1904.

Mr. PADDOCK: The evidence submitted to the Secretary is deemed sufficient to warrant him in issuing this warrant for the arrest of these aliens. This warrant directs that the aliens be given an opportunity to show why they should not be deported, and so you now have this opportunity.

Mr. TREADWELL: We have received a copy of these affidavits, and finding, especially from the statements of the Special Inspector, that he drew certain inferences from some of these affidavits, and so advised the Secretary to issue the warrant, we feel it is proper and incumbent upon us to set before this Board the exact facts in regard to these matters, so that the Board may have, not merely the inferences of the Special Inspector Scarlett, but may have the facts and judge for themselves. For that purpose we offer the affidavit of Auberon Stevens, verified March 26, 1904, Head Machinist at the Factory at Gouverneur, New York, and we also offer the affidavit of Joseph S. Lesser, verified March 24, 1904.

48 These affidavits were put in evidence and marked:

Exhibit C. Affidavit of Auberon Stevens, verified March 26, 1904.

Exhibit D. Affidavit of Joseph S. Lesser, verified March 28, 1904.

Mr. TREADWELL: We submit these affidavits and we will produce the original affiants, if desired by the Board.

Mr. MOLER: For what purpose do you introduce the affidavit of Stevens?

Mr. TREADWELL: In two of the affidavits submitted by the Government, one by George Stevens, and the other by one William B Wilson, which affidavits were procured by the Special Inspector, and are attached to the papers upon which the Secretary issued the warrant, and which we now believe are material evidence in that respect, there is a statement made by Mr. Wilson, to the effect that he was laid off and was not employed at or about the time when these aliens appeared on the scene and got employment. We judge if there was any materiality in that affidavit it was to show that resident laborers—workmen were being put aside for the new people, and we wish to show Mr. Wilson was laid off, and our affidavit is simply to show that his machine was broken, and that the rule of these lace factories is that a man who is employed on a lace machine has charge of that machine, and when his machine is broken he lays off.

That is all that we have to offer in evidence.

Mr. PADDOCK: The Board has before it the minutes of the last meeting and these various affidavits, and if they wish to examine

these aliens further regarding any matters, of course they
49 are at liberty to do so, even if their own attorney does not call them as witnesses on their own behalf.

Mr. MOLER: Then you do not desire to call these aliens?

Mr. TREADWELL: I believe from their testimony given before you, and which has been put in by the Government, and on their affidavits, that there is a complete answer to any ground for their deportation, and I do not feel that there is any further necessity, especially as your Board examined these gentlemen so fully at the previous hearing. I take it for granted that their testimony was true and you believed it. I suppose it was true, and certainly, gentlemen, I do not propose to go back of your decision.

Recess for lunch from 12:35 to 1:30 P. M.

Mr. NEARY: We think it best to examine them here before you, we will ask them some questions, and you can examine them as you desire. We have sent a telegram to Mr. Lesser to come over also and submit to an examination before the Board in this case.

Mr. PADDOCK: The Board have seen Mr. Lesser's affidavits, and might consider whether they wish to have the attorneys for the aliens call Mr. Lesser as a witness.

Mr. MOLER: I think perhaps as to whether or not the Board deems it proper to question Mr. Lesser in the matter can be determined better after the aliens have been taken, and we can see what position we are in.

Alien JOHN WAKEFIELD, being duly sworn, testified as follows:

Mr. EPPLER: Mr. Chairman, I submit that during the examination of Mr. Wakefield the other two aliens be sent into the other room.

50 (There being no objection to this the other two aliens were accordingly taken out of the room.)

Mr. NEARY:

Q. You are the John Wakefield named in these proceedings?
A. Yes, sir.
Q. Your occupation was what before you came to this country?
A. Weaver, as you call it in this country.
Q. Did you come to this country under any contract for labor, or laboring?
A. No, I have not. I did not come under any contract, I may say.
Q. Did you know Mr. Lesser when you were in Europe?
A. No, I never seen him before in my life until I got to New York.
Q. Did you ever have any talk with him or with anybody in his behalf about working for him in this country, if you came here?
A. No.
Q. What induced you to come to the United States?
A. Well, I was doing badly in England, and knowing that there was a lot of machinery coming to this country, I thought that I

would try to retrieve my fortune here. I thought that there would be plenty of chance of getting a situation here, and I think so now. Plenty of chance. At least I know it now, and I only thought so before, but I know it now.

Mr. MOLER:

Q. What is that?
A. Before I came here I only thought there was plenty of chance, now I know it.

Mr. NEARY:

Q. Is it your intention to remain in the United States and become a citizen?
A. Yes, it is.
Q. You have a family in England?
A. I have three children and a wife.
Q. Did you have any money with you when you came here?
A. Yes, I have $27 or $30, at least I had that sum when I landed here.
51 Q. You have earned some since?
A. Yes, and spent some.
Q. Do you intend to bring your family over here as soon as you can make arrangements?
A. As soon as I can make it convenient. That of course will take some time before I get settled down here.

Mr. TREADWELL:

Q. Who paid your passage to this country?
A. I paid it myself, sir.
Q. Any agreement that you should have it paid back to you?
A. There could not be any agreement, because I did not know where I was going.
Q. As a matter of fact there was no agreement?
A. No.

That is all.

Mr. PADDOCK:

Q. Mr. Wakefield, do you know Peter Pearson?
A. Yes, sir.
Q. How long have you know him?
A. Well, I could not say. More since I have come to the United States than I did in England. I saw him at the pier when I first came aboard of the ship.

Mr. EPPLER:

Q. How long have you known him?
A. Two or three years.

Mr. PADDOCK:

Q. Two or three years?
A. Yes.

Q. Were you employed in the same place, did you say?
A. No.
Q. You talked with Mr. Pearson several times before you left, about your proposed trip to America, didn't you?
A. Well, we may have spoken about it in a casual way. I could not recollect so.

Mr. EPPLER:

Q. Can you answer the question, yes or no?
A. No.
52 Q. Prior to your coming to this country, your embarkation, did you ever have any conversation with Mr. Pearson in regard to coming to this country?
A. Yes, I did.

Mr. PADDOCK:

Q. You knew at that time that Mr. Pearson was coming, didn't you?
A. I cannot say that; no. I did not know.
Q. Do you recollect when this conversation took place?
A. No.
Q. Had you a conversation with Peter Pearson or any other person regarding a position in the United States, or communicate with any person?
A. No. I did not communicate with any person.
Q. When did you first learn that Peter Pearson was coming to the United States?
A. Well, when I got to Liverpool to come here.
Q. Didn't you know that he was coming before that?
A. No, I don't know, I don't think so, I cannot answer that question directly; I don't think so.
Q. Did you live in the same town with him?
A. Yes, within two or three miles.
Q. You had known him for two or three years?
A. Yes.
Q. Do you mean to say that you never told him it was your intention to come to the United States before you met him in Liverpool?
A. Possibly, I might have told him. It has been my intention to come to the United States for a couple of years.
Q. Didn't you ever talk with him regarding a position in this country, before you met him in Liverpool?
A. I do not quite understand what you mean by a "position."
Q. Employment?
A. No, I never talked with him about that.
Q. Well, what did you say to him when you told him of your intention of coming to America?
A. Well, I was speaking in this way. I was doing very bad,
53 and I think there is a chance in America, and it is about time that I have shifted, which I have said dozens of times.
Q. What did he say to you in reply to that?

A. I believe he thought about the same as I did, that it was about time to shift.

Q. Didn't he tell you that he knew where you could get employment in the United States?

A. No, no. Not so far as I can recollect, at all events.

Q. You might have forgotten it?

A. No, I don't think so.

Q. Have you ever seen in papers in Nottingham, England, advertisements, advertisements regarding employment in America?

A. Well, I saw one.

Q. What was that?

A. It was an advertisement notifying that Doctor Dows was at a certain hotel receiving applications for America, for twist hands. That is the only advertisement that I have seen.

Mr. MOLER:

Q. When was that advertisement?

A. Possibly four years ago.

Q. Have you ever seen any advertisement since that in any Nottingham papers, in regard to lace weavers coming to America, or in any other papers in England?

A. No, sir, I have not.

Q. When you arrived in New York where did you propose to go?

A. Well, we all proposed to go to Wilkesbarre. The Pearsons did.

Q. Where did you propose to go yourself?

A. I did not propose to go anywhere, only with my companions.

Q. Wanted to go wherever they went?

A. Yes, sir.

Q. You understood from them that they were going to Wilkesbarre, Penna.?

A. Yes.

Q. Did you go to Wilkesbarre?

A. No, we did not.

Q. Did not go—then when you came here you had no destination, had you?

A. I did not.

Q. Not even to go to Wilkesbarre?

A. Not even that.

Q. You were subject to change of mind at any time?

A. Yes.

Q. Did you ever have any conversation with Mr. Pearson, Mr. Peter Pearson, in regard to where he was going?

A. Yes, on the way.

Q. You had conversation with him?

A. Yes.

Q. Did you on the way over, or before you left your home in England, have conversation with him in regard to where he was going?

A. On the way.

Q. On the way over?

A. Yes.

Q. Where did he state that he was going?
A. To Wilkesbarre.
Q. Why did Peter Pearson want to go to Wilkesbarre?
A. To see his brother; he had a brother there.

Mr. PADDOCK:

Q. Do you know a man by the name of A. Lowe in Nottingham?
A. No, I cannot say that I do.
Q. How long have you lived in Nottingham before you left to come here?
A. About 27 years, all my life.
Q. Never heard of Mr. Lesser?
A. No, I never heard of Mr. Lesser.
Q. Did you ever hear of the International Lace Company before you came here?
A. I have not heard of it. I have seen the name several times, of course.
Q. That was before you left?
A. Yes.
Q. Do you know who managed that business?
A. No, I did not. I never inquired.
Q. Will you swear that it was your intention to go to Wilkesbarre when you came here?
A. Yes.
Q. Why did you wish to go there?
A. Because there was lace machines there.
Q. How did you know that?
A. Well, because everybody in the lace trade knows that.
Q. You never saw any advertisement in the Nottingham papers regarding employment in Wilkesbarre?
A. I have seen no advertisement of that kind.
55 Q. When did you change your mind and decide not to go to Wilkesbarre?
A. Well, now I cannot say. I might say after my companions had seen Mr. Lesser at his office.
Q. Did you know that your companions were going to see Mr. Lesser upon their arrival here?
A. No, I did not, not until they arrived here.
Q. Did you know that Mr. Peter Pearson knew Mr. Lesser?
A. I cannot say that I knew that.
Q. Or that he knew anyone in the employ of the International Lace Company?
A. Well, not to my knowledge; of course he might, but not to my knowledge.
Q. Never heard him speak of the International Lace Company?
A. No.
Q. Or Mr. Lesser?
A. No.
Q. Did he ever talk to you about the employment that he was going to take in this country?
A. No, he never said that he had anyone to go to.

Mr. EPPLER:

Q. You say that you knew Mr. Peter Pearson for two or three years?
A. Yes, sir. We will say two or three years.
Q. Was it more than two years?
A. It might have been.
Q. Was it three years?
A. Well, I won't answer that question, because I do not believe that I could tell the truth about it; I could not tell you how long that I have known him.
Q. Is it more than three years?
A. It might have been four years.
Q. Could it be five?
A. It would not be five.
Q. But it may be four?
A. It might very well be four, we will say four.
Q. Did you know Mr. Pearson in 1900?
A. This is 1904; well, yes, towards the last of the year.
Q. Toward the latter end?
A. Yes, sir.
Q. What were you doing then?
A. Weaver.
Q. What was he doing at that time?
A. He was making patterns for the trade, that is how I knew him.
56 Q. By whom were you employed at that time?
A. W. E. Dobson.
Q. How long were you there?
A. From thirteen years of age.
Q. Continuously employed there until when?
A. Until two or three months before Christmas of last year.
Q. In the first of 1901, or in 1900, where was Mr. Pearson working when you knew him?
A. He had an establishment, I could not tell you where it was. He brought patterns around to the trade, and he put some on the machine that I was using.
Q. How frequently did you see him?
A. Perhaps once in six months.
Q. Then he was in business for himself during the whole of your acquaintance with him until the time that you left your employer?
A. Yes.
Q. For himself?
A. Yes, sir.
Q. You never worked for him at all?
A. No.
Q. How frequently did you see him in the last year?
A. Not more than about once in six months.
Q. When was the last time that you saw him while you were employed?
A. I think it was not quite six months, it might be perhaps three months; we will say three months before I came here.

Q. Before you sailed?
A. Yes.
Q. That was the last time you saw him until you met him on the ship?
A. Yes, sir.
Q. Have you had any conversation with him or any correspondence with him?
A. Never wrote to him in my life.
Q. Had you had any intercourse, indirect or direct, through a third person or by letter?
A. No, sir.
Q. When did you sail?
A. Sail? On January 23rd.
Q. This was three months prior to your sailing?
A. Yes.
Q. That would be in the month of October?
A. Yes.
57 Q. That you saw him?
A. Yes. I cannot say that it was in the month of October when I saw him; it might be; I should say that it was about three months before.
Q. All right. Tell us what occurred at that interview that you had with Mr. Pearson?
A. Well, I cannot say that anything particular occurred. I might have remarked, the same as I have done before, about the work, about being short of work. At that time we were very short of work, and I had had a two months' holiday about that time.
Q. Was that said before this holiday began, this conversation that you had with Mr. ——?
A. The general conversation?
Q. You have just referred to a holiday of two months?
A. Yes.
Q. Was that conversation that you had with Mr. Pearson at the beginning of that holiday?
A. Yes.
Q. You were still employed?
—. ——.
Q. Did Mr. Pearson state to you at that time that he had the intention of coming to the United States?
A. Yes, I believe that he did. Yes, he did.
Q. He did?
A. Yes.
Q. Did he tell you also that his brother was going with him to the United States?
A. No, he did not.
Q. He told you that he had concluded to come?
A. Yes.
Q. Did he invite you to join him in coming to the United States?
A. No, that was left an open question to please myself. He did not ask me to come.
Q. Did he speak of it to you?
A. No.

Q. Did you speak of it to him?
A. I might have done so.
Q. All right, but do you know, you ought to remember?
A. Well, I cannot remember, I cannot remember that.
Q. You won't swear that you did not?
A. No, I won't.
58 Q. But at that interview when he told you that he intended to come to this country, did you communicate to him that you might possibly come to the United States also?
A. No.
Q. Was it your intention then to remain in England?
A. As far as I knew Mr. Pearson was—it was not my intention to remain. I had not made up my mind.
Q. You say then you had not made up your mind?
A. No.
Q. Before you had this conversation with Mr. Pearson in which he told you that he was coming?
A. Yes.
Q. How long after this conversation with Mr. Pearson did you leave your employment?
A. How long after?
Q. Yes, how long after?
A. I did not leave it at all.
Q. How long after this conversation with Mr. Pearson did your connection with your employers terminate?
A. It terminated the week that I sailed here.
Q. The week that you sailed?
A. Yes, sir.
Q. But you just said a moment ago that you had a holiday of two months?
A. But my position was there, only I had nothing to do, the machine was standing.
Q. Then you were simply laid off temporarily?
A. Yes, sir.
Q. When did you see Mr. Pearson prior to this conversation that you speak of now?
A. I could not tell you that. It was a long while.
Q. Give us some idea?
A. Well, I used to see him on the average of once in six months. It might have been six months.
Q. That was the last personal interview that you had with Mr. Pearson; you had nothing further, and you did not see him again until after you sailed?
A. That is so.
Q. When did you see him again?
A. On the ship at Liverpool.
59 Q. On the ship at Liverpool?
A. Yes, sir.
Q. Now, how do you account for the fact that you and Mr. Pearson both came over here together in the same ship, at the same time,

and visited Mr. Lesser at the same time, unless you had some prior understanding?

A. I would call that a coincidence. There is nothing else that I know of to call it. Of course it may seem strange, but our ways met, but I met him on the ship, and that is the reason that we were to Mr. Lesser's together. A coincidence, that is what I would call it.

Q. How long prior to your sailing did you engage passage?

A. A week prior.

Q. Where did you buy your tickets?

A. In London; I wrote for them myself.

Q. Had you ascertained from any one, from any agent or any one else that Mr. Pearson was going on that ship?

A. No, I never asked that.

Q. Had no knowledge of it at the time that you engaged your passage?

A. No, I had not.

Q. You claim that it was a mere coincidence that you and Mr. Pearson and his brother came on the same ship to this country, went to the same destination, went to the same mill, and began work together at the same place and at the same time. Do you claim that to be a coincidence?

A. No, not all of that.

Q. Do you claim it to be a coincidence that you were going—that you went to Mr. Lesser's together?

A. That is not so. We made up our minds to go up there together, but it is a coincidence that we should have happened to have chosen the same boat to come here in.

Q. Suppose that you had not met Mr. Pearson?

A. Well, I should have had to look around for myself.

Q. Where would you have gone?

A. Probably to Wilkesbarre then.

Q. When you left Liverpool on the ship, where was your destination?

A. My destination was New York.

60 Q. Had you any address in New York or any one to go to?

A. No, I did not.

Q. Did you know where the International Lace Company was at that time, when you left England?

A. No, sir; but I have seen the address in England.

Q. Did you know it?

A. Well, I do not know that I remembered it at the time that I came here.

Q. At the time that you left England to come here you knew that there was such a concern as the International Lace Company?

A. Yes, I knew that, as most of the trade knows of Bromley's in Philadelphia.

Q. Was it your intention to go there?

A. I could not say whether it was my intention or not. I would have gone there or anywhere else to accept a good situation.

Q. If you had not gone to Bromley's where would you have gone?

A. Well, there are lace factories in Wilkesbarre.

Q. Did you ever have any personal intercourse with Mr. Pearson; did you ever meet him at more frequent intervals than six months?
A. No.
Q. Did you meet him outside of business?
A. No.
Q. Socially?
A. No.
Q. Belong to any organization with him?
A. No.
Q. And after having met him on board of the ship and had a conversation with him as to where he was going, you made up your mind after he had told you where he was going that you would go with him?
A. Yes, that I would go with him.
Q. Where did he tell you that he was going?
A. To Wilkesbarre?
Q. Anywhere else?
A. No, he did not say anywhere else.
Q. Now you are under oath, remember?
A. Yes.
Q. Did he or did he not mention to you the International Lace Company prior to your arrival?
A. No, he did not.
61 Q. As his probable destination?
A. No.
Q. Did he say what his destination was?
A. Wilkesbarre.
Q. Did he tell you or inform you that he had communicated with any one in this country prior to his sailing for this country?
A. No. He told me that he had a brother at Wilkesbarre, and that is all.
Q. Did he tell you that he had any communication with any one in the lace trade, any firm or a representative of a firm in the lace trade in the United States, prior to his coming here?
A. No, he did not.
Q. Well, what understanding did you have with him?
A. Well, that we was all three in the same trade and that we would all travel together, being strangers.
Q. For what purpose?
A. Only to seek employment.
Q. When you arrived here at Ellis Island and started for New York, where did you go?
A. From New York to Gouverneur.
Q. From here?
A. From Ellis Island.
Q. Yes?
A. I believe that we had something to eat first, I believe.
Q. In the vicinity of the Barge Office there?
A. I do not know. I think we went a way up Broadway.
Q. Did you go alone?
A. No, we all three went together.

Q. Who went with you?
A. Peter and Enoch Pearson.
Q. Besides that?
A. Nobody else.
Q. Did any one meet you at the Barge Office?
A. No.
Q. Did either of you have any conversation with any one there?
A. No.
Q. Where did you go then?
A. We went to Mr. Lesser's office.
Q. The same evening?
A. Yes, the same day.
Q. The same day?
A. Yes.
62 Q. Did you see Mr. Lesser?
A. Yes, sir.
Q. You did see him?
A. Yes, sir.
Q. Have any conversation with him?
A. Well, yes.
Q. Give us the nature of that conversation, tell us what Mr. Lesser stated, and all that occurred between you and Mr. Lesser?
A. All that occurred between us was that I asked him if he had a place that he could give me, and as far as I can remember he said that there were situations at Gouverneur to be had, but that he did not give them, and that the overseer at the factory was the man that set the weavers and most of the other people on, and that I should go up there and see him. Mr. Pearson spoke about going to Wilkesbarre, but he did not want us to go to Wilkesbarre. He said that he wanted hands, and he was satisfied with us, and thought his overseer would be satisfied with us. He advised us to go straight to Gouverneur. That is all.
Q. Who was his overseer?
A. Mr. Stevens.
Q. When did you start for Gouverneur?
A. We arrived on Monday—Tuesday night.
Q. When did you leave Mr. Lesser's office on that day that you first went there, was it in the evening?
A. Well, I could not tell you.
Q. Well, about what time of day do you think?
A. Well, towards the night time.
Q. Did he send any one out with you?
A. No.
Q. Take you anywhere?
A. No.
Q. Where did you go from his place?
A. From his place we went over opposite and had something to eat.
Q. Eat again?
A. Yes, ate again. We lived right. We went from there to a hotel around on Broadway, it was the Continental, I believe that was the name of the place. We stayed there for the night. We

wanted to start that night, but we could not get our luggage from the Barge Office.

Q. The only thing that deterred you was the absence of your luggage?

A. That was it.

63 Q. Then the next day, what did you do?

A. We went about New York, Broadway, and saw the sights.

Q. See Mr. Lesser again the next day?

A. No; I do not think we did.

Q. Are you sure about that?

A. It was towards the night if we did. I believe that we did see him towards the night.

Q. Do you know if his representative took you anywhere and furnished you any transportation?

A. Yes; in New York.

Q. Did they furnish you any transportation, take you to the railway depot and send you to your destination, help you to get there?

A. Well, now, I don't understand what you mean.

Mr. MOLER:

Q. Was your passage paid from New York City to Gouverneur, New York?

A. Yes; according to my understanding it was.

Q. You did not pay it yourself?

A. I did not.

Mr. EPPLER:

Q. Who did pay for it?

A. Mr. Lesser.

Q. Did he do the same thing in the case of your companions, too?

A. I do not know.

Q. But he did do it in your case?

A. Yes.

Q. Did he give you the money?

A. No.

Q. Did not give you the money?

A. No.

Q. Just tell us how he gave you your transportation, was it in tickets or what?

A. He did not give it to me at all.

Q. Did not give it to you at all, what did he do?

A. A young man who is working in the factory in Gouverneur, we went with him and he paid for my ticket.

Q. Did he remain in Gouverneur?

A. Yes.

Q. Employed there all of the time?

A. Yes.

Q. What is his name?

A. Thompson, I believe.

Q. What was your understanding. He paid your passage to go to Gouverneur, to go right to work at the mill, is that it?

64 A. Understanding what?

Q. For what purpose did he pay your passage?

A. Well, now, I do not know.

Q. Did you have money with you?

A. Yes.

Q. Was it out of charity?

A. I guess not.

Q. Well, then tell us what he paid for your passage, if it was not for you to go there and go to work in the mill?

A. Well, I suppose he wanted us, and we did not want to run to any expense, but if he would give me the passage necessary I would go up there to be employed by him, but if not I would not go there, then he wanted to pay the expenses.

Q. What did he say?

A. He said that if we were not satisfied we should not be at any expense.

Q. Is that the custom in the lace trade?

A. I cannot say.

Q. Is it the custom in any business?

A. I cannot say.

Q. Do you want this Board to understand that after you had seen Mr. Lesser he had made an arrangement with his employee Thompson to take you and your two companions to Gouverneur, and that he just did it because he wanted you to see Gouverneur, look around and see how you liked it, and if you did not like it he would pay your way back?

A. No.

Q. Is it not a fact that when you left New York to go to Gouverneur Mr. Lesser paid your transportation to go there, and that you had employment or the promise of employment in his mill in Gouverneur. You are under oath now. State it yes or no?

A. I cannot state it in plain yes or no.

Q. I want you to answer yes or no. Was it true that when you and your two companions went in charge of Mr. Thompson, who is in the employ of Mr. Lesser, or the International Lace Company, and took you to Gouverneur that you were to go to Gouverneur to work in the mill or not—is it true?

A. I do not quite understand.

65 Q. You had not reached Gouverneur yet, but didn't you understand that when you got there, you had work in his mill?

A. If the overseer was satisfied with me.

Q. But before he knew at all whether he was satisfied, before he found out what you could do?

A. No.

Q. You were to go there to work in his mill to see if the overseer would be satisfied with you?

A. Yes.

Mr. PADDOCK:

Q. When did you first see Mr. Thompson, who was the man that went with you?

A. When he left that Tuesday?
Q. When did you first see him?
A. On Tuesday night at Mr. Lesser's office.
Q. Did you see him at the pier?
A. No.
Q. Did you see anyone at the pier from Gouverneur?
A. No.
Q. On your arrival there?
A. No, I don't know as I did. I was on the pier looking after my luggage; I did not see anyone.
Q. Did you hunt around? Where did you go on your arrival?
A. We hunted about and had something to eat.
Q. Did you see any one there whom you have afterwards seen in Gouverneur?
A. No, I don't know that I did.
Q. Is there any one in the employ of the International Lace Works, or in Mr. Lesser's employ, whom you saw at the pier, at the dock, on your arrival?
A. No, there is not, as far I know anyway.
Q. Don't you make any exception to that at all?
A. No, I do not. I don't know as I saw anybody on the dock scarcely at all.
Q. You saw the two Pearsons there?
A. Yes.
Q. They are now in the employ of the International Lace Company?
A. Yes.

66 Mr. EPPLER:

Q. You stated here that you went up to Gouverneur with Mr. Lesser's clerk, Thompson, or whatever he was, to get work in the mill there; if it was satisfactory to the overseer or foreman you would remain there?
A. I did remain there.
Q. And you have been working there ever since?
A. Yes.

Mr. MOLER:

Q. Did Mr. Lesser state to you what wages you were to receive when you left New York, or before you left?
A. Receive union wages.
Q. How much would that be?
A. That was $15 per week, for day work, and of course the trade prices for racks.
Q. He stated then that you would receive $15 per week?
A. Yes, sir.
Q. Are the International Lace Works governed by Union prices?
A. Yes, as near as I know.
Q. Then, if they are governed by union rates—
A. I have received that.
Q. Is the International Lace Company what you understand is called a union factory or shop?

A. No, it is not.
Q. Do union prices govern the class of labor there as you understand?
A. I do not know.
Q. How do you know that $15 per week is the proper union wage?
A. Because they have union men working at the shop there.
Q. When did you first hear of Mr. Lesser, the first time that you ever heard of him, do you remember?
A. I do not know.
Q. Before or after your arrival here?
A. I do not know. I am sure that I could not answer that question.
Q. You do not know whether you knew him or not?
A. I never attached much importance to it.
Q. He is your employer?
A. Yes.
Q. You do not remember when you first heard of him, whether before or after your arrival in this country?
67 A. I do not know whether it was before or after I came here. I may have heard of him on the boat.

Mr. WEIHE:

Q. Do all of the weavers there in the factory there receive the same pay?
A. Well, I know I get it.
Q. They run machines?
A. Yes.
Q. Get $15 per week?
A. Yes.
Q. Then they work by racks?
A. Well, when a man is making racks he gets so much per rack, and he is paid according to the size of the machine. Each machine has its price.
Q. Is the rack work, so far as you know, uniform in the factory?
A. Yes, the prices are uniform.

Mr. MOLER:

Q. You are a lace-curtain maker?
A. Yes.
Q. What is the character of the work that you do?
A. I can do almost anything in that line.
Q. What is the sort of work upon which you are employed?
A. The weaving of curtains.
Q. When did you commence work?
A. About February 4th.
Q. When did you leave New York?
A. We arrived here on the 1st, and we left here on the 2nd at midnight, and we got to Gouverneur on the 4th, 31 hours and a half on the way.
Q. You left here on the 2nd, you arrived there on the 4th, and you went to work when?
A. On the 5th, the next day.

Mr. EPPLER:

Q. Didn't you go to the factory before you went to work?
A. Yes, we went there the morning that we arrived.
Q. What did you do after you went to the mill on the morning of the 4th?
A. Looked around Gouverneur.

68 Mr. MOLER:

Q. Have you received any pay since you arrived there?
A. Yes, every week.
Q. When were you paid the first time?
A. The first pay, why that would be the 8th or 9th, the first Saturday after we arrived there, I received two or three dollars on Saturday after I arrived there for the day's work that I had done.
Q. When did your pay commence, when you left New York, or when you arrived at Gouverneur?
A. When I began work on the 5th.

Mr. WEIHE:

Q. Do you know what the wages are at Wilkesbarre, and at other places for the same kind of work?
A. The wages are $15 per week.

Mr. TREADWELL:

Q. How large a place is Nottingham, England?
A. 300,000 inhabitants.
Q. 300,000?
A. Yes, sir.
Q. When Mr. Lesser told you that he would pay your fare to Gouverneur, was there anything said about return expenses to New York?
A. Well, that is if we were not satisfied.
Q. In other words, if you did not get a job that you were satisfied with, he would pay your fare back to New York?
A. To New York; yes, sir.
Q. Do you know how much the fare is from New York to Gouverneur?
A. No, I do not.
Q. Was there any understanding between you and Mr. Lesser as to when the amount of this fare advanced to you should be paid back?
A. I have not been asked for it yet.
Q. Was there any understanding between you and Mr. Lesser that the fare advanced by Mr. Lesser should be deducted hereafter from your wages?
A. No, there was no understanding.
Q. Do you understand that you are to pay him for that fare or not?
A. I understand that I have to repay it.
Q. How did you get that understanding with him?
A. He is to pay it for nothing.

Q. Then you had no understanding that you were going to have that deducted from your wages hereafter?
A. Yes.

Mr. TREADWELL:

Q. You mean your fare to Gouverneur?
A. Yes.
Q. That is, if you took the job, but if you did not get the job, were not satisfied with you, you would not repay that back, and you would get in addition your transportation back to New York free?
A. Yes, sir.
Q. That you would not have to pay that to Mr. Lesser?
A. No.
Q. You say that Mr. Lesser told you that if the overseer would employ you it would be all right or something of the kind. Can you tell this Board what Mr. Lesser said, or as near as you can possibly recall, what language he used at that time?
A. Well, I cannot, only what I understand from what he said, that is all.
Q. Only what you understood from what he said?
A. I cannot remember the language.

Mr. MOLER:

Q. Did you understand from Mr. Lesser that your employment by the superintendent or overseer would be subject to Mr. Lesser's approval, or that Mr. Lesser's employing people was subject to the approval of the overseer?
A. The latter part of it is true.
Q. How did you understand it. Whose approval was it necessary to have?
A. I would have to have the overseer's approval.

Mr. EPPLER:

Q. The overseer's approval?
A. Whether I was capable of working as I should work.

70 Mr. TREADWELL:

Q. Did you understand that if the overseer disapproved of your capacity as a weaver that you could still be hired?
A. No, I did not understand that; no.

Mr. EPPLER: I object to this line of questioning.

Mr. EPPLER:

Q. But if the overseer found upon inspection of your work, if he approved it, and your services were satisfactory, you were to continue in the employ of the company?
A. Yes, sir.

Mr. NEARY:

Q. Was there any understanding between you and Mr. Lesser as to these questions that have been asked you here either by your counsel or by the inspectors?

A. No, I do not remember anything, sir.
Q. These questions were not discussed between you and Mr. Lesser?
A. In relation to the last question about the overseer.
Q. Who did you understand had the right of employment?
A. The overseer.

Mr. MOLER:

Q. You went to Mr. Lesser to seek employment?
A. Yes.

Mr. EPPLER:

Q. Mr. Lesser said that he would send you up to the mill, pay your passage up there, your railroad fare, and after you got work there, if the overseer was satisfied as to your capacity, you could get employment there?
A. Yes, sir.

Mr. NEARY:

Q. Was anything said by Mr. Lesser as to what the overseer was to decide, that he was to decide simply as to your capacity, were those words used?
71 A. Well, I do not know the words that were used. That was the understanding.

Mr. EPPLER:

Q. You went up there at Mr. Lesser's expense?
A. Yes.
Q. Your capacity was to be simply judged by his overseer, and if capable workman you were to continue there?
A. Yes, sir.

Mr. TREADWELL:

Q. You did not know that when you left New York, only after ou got to Gouverneur, whether you were to be employed or not, d you?
A. No, I did not.

Mr. NEARY:

Q. Who did you look to to hire you?
A. The overseer, I believe, so far as I recollect.
Q. If you were not hired up there at the mill, your passage uld be paid back to New York?
A. Yes.

Mr. EPPLER: I object. The understanding was that Mr. Lesser uld pay his passage back if his work was not satisfactory. That been testified to.

ENOCH PEARSON, being duly sworn, testified as follows:

By Mr. EPPLER:

Q. What is your name?
A. Enoch Pearson.
Q. What is your age?
A. 35.
Q. You came here in company with Peter Pearson, your brother, and John Wakefield?
A. Yes, sir.

Mr. NEARY:

Q. Did you enter into any agreement with any person as to your labor, either direct or indirect, before you left England?
A. No, sir.
72 Q. Did you know Mr. Lesser at that time?
A. I only had heard of him as a buyer when I was working at Beeston.
Q. Were you acquainted with him?
A. No.
Q. Have you ever seen him until you met him in New York?
A. I could not say.
Q. Did you, or did you not?
A. No.
Q. Have you any agreement with any person, or through any person, for your labor in this country, made before you left England?
A. No, sir.
That is all I wish to ask.

Mr. PADDOCK:

Q. When did you first decide to come to America?
A. Well, just at about the time that my brother sold his plant. I was working for my brother.
Q. How long was that before you left?
A. It will be a fortnight.
Q. Before sailing?
A. Yes.
Q. You consulted with your brother regarding the advisability of coming over here?
A. He asked me if I would come over here, and of course I jumped at the opportunity.
Q. Did your brother mention the International Lace Company to you?
A. No, sir.
Q. Never heard him speak of Mr. Lesser?
A. No, sir, I could not say as I did.
Q. Did you ever have any conversation with your brother regarding employment to be had in this country?
A. He said that he would get me a job if he could, that is all.
Q. Didn't you have any further conversation than that?
A. No, sir.

Q. Never discussed with you whether they paid better wages over here than in England?

A. Nothing of the kind.

Q. Just come over here on a chance?

A. Yes, sir.

73 Q. Didn't you know anything about the wages that were being paid over here?

A. I knew that if I could get a job at union wages I would take it.

Q. Did you ever hear of or see any advertisement in the Nottingham papers regarding employment for lace wears in the United States?

A. Yes, I have seen them.

Q. What was the last one that you remember seeing?

A. No. 480 Box office, somewhere, I have forgotten where now.

Q. How many of these advertisements do you think that you have seen?

A. Well, I could not say, as I was not bothering about them.

Q. Did you gather from the advertisement that higher wages were being paid here?

A. No, sir.

Q. Didn't you ever discuss with your brother Peter the advisability of comnig to America?

A. I cannot say that I did; when he asked me to come I said that I would—that is all.

Q. So he asked you to come?

A. Yes.

Q. Would you have come if he had not asked you?

A. I do not know as I would.

Q. You came here because he asked you?

A. I came here because he paid for me, I could not pay for myself.

Q. So your brother paid for your fare?

A. Yes, to New York City.

Q. Did he lend you some money also?

A. Yes.

Q. The ten pounds that you brought with you belonged to him?

A. Yes, sir.

Mr. MOLER:

Q. Didn't you state a moment ago that you did not understand that the wages of lace weavers were any better in America than they were in Nottingham?

A. Never made any statement to that effect.

Q. But you understood that they were better here than they were there?

A. No, sir.

Q. You simply came here on the advice of your brother Peter?

A. I came with my brother.

74 Mr. PADDOCK:

Q. Before you left Nottingham had you ever heard of Mr. Lesser?

A. No, sir, only as a buyer.

Q. Heard of him as a buyer.
A. Yes, sir.

Mr. EPPLER:

Q. A buyer of what?
A. All kinds of lace curtains, and everything of that nature.

Mr. PADDOCK:

Q. From whom did you hear of him as a buyer?
A. I have heard of him at the Anglo-Scotian Mills, when he used to come there.
Q. You were employed by those mills?
A. Served my apprenticeship 15 years there.
Q. Didn't you know that Mr. Lesser was engaged in the business of manufacturing lace in this country?
A. No, sir.
Q. Never heard of him as such?
A. No, sir.

Mr. MOLER:

Q. Where did you start to go to when you left your home in Nottingham, where did you intend to go to?
A. I intended to go with my brother.
Q. You don't know where?
A. No, we were going to New York, as he said.
Q. You did not know your brother's destination when you started?
A. I cannot say for sure that I did. I knew he was going to see my brother at Wilkesbarre.
Q. Did you see your brother?
A. We went to Mr. Lesser's office and we got a job there, and we deferred going to see my brother.
Q. Deferred it until when?
A. Until the warm weather.

Mr. EPPLER:

Q. Do you know John Wakefield?
A. Yes, sir.
Q. How long have you known him?
A. I met him first on the dock at Liverpool.
Q. Where did you say, Liverpool?
A. Yes, on the ship.
75 Q. Ever heard of him before that?
A. No, sir.
Q. Never heard his name mentioned by any one?
A. No, sir
Q. With whom were you last employed?
A. With my brother Peter.
Q. In Nottingham?
A. Yes, sir.
Q. How long did you work for your brother?
A. Nine months.
Q. Up to what time?

A. About a fortnight after Christmas.
Q. Say to the middle of the month of January, or the 10th?
A. Yes, about the 10th of January.
Q. Where did you work before you went to work for your brother?
A. For the Anglo-Scotian mills at Beeston.
Q. How long did you work there?
A. Fifteen years.
Q. Left the Anglo-Scotian mills to go to work for your brother?
A. Yes, when he started in business for himself.
Q. So you left the mills to go to work for your brother?
A. Yes, sir.
Q. During the time that you had been working for the Anglo-Scotian Mills had you ever seen Mr. Lesser?
A. No, sir.
Q. Ever hear of him?
A. Yes, as a buyer.
Q. He bought goods at those mills?
A. Yes.
Q. Did you ever see him when he was there?
A. No.
Q. Did you ever have any correspondence with him?
A. No, sir.
Q. Did you know anybody that knew him that was connected with the Anglo Scotian Mills?
A. Yes, many of the employees knew him.
Q. They knew him personally?
A. Yes.
Q. Had dealings with him?
A. Yes.
Q. Never communicate with Mr. Lesser through these people that were connected with your firm in regard to coming to America?
A. No, sir.
Q. Did you know that Mr. Lesser was in the lace business here in New York City?
A. No, sir.
76 Q. What did you suppose he was doing?
A. My brother told me——
Q. At the time that you were employed at the Anglo-Scotian Mills, you heard of Mr. Lesser as a buyer of what?
A. Of lace.
Q. Did he ever come to the concern that you were employed by and purchase goods there?
A. Yes.
Q. Never saw him there buying goods?
A. Yes.
Q. Did you ever have any talk with him when he was buying goods there?
A. I could not say that I did.
Q. How did he do his business?
A. The men that worked there with me knew all about it.
Q. Did any of your fellow employees have direct dealings with Mr. Lesser?

A. No, sir.
Q. You never spoke to him?
A. No, sir.
Q. Did you ever communicate to him your desire to come to this country?
A. No, sir.
Q. Never said that you wanted to come?
A. No, sir.
Q. And Mr. Lesser never knew of your existence in that concern?
A. No, sir.
Q. Now, after leaving the Anglo-Scotian Mills you worked for your brother for nine months; during that time did you ever see Mr. Lesser or any one of his representatives?
A. No, sir.
Q. Never did?
A. No, sir.
Q. Never heard his name mentioned?
A. No, sir.
Q. Concerning this advertisement that you referred to a while ago, when was the last one that you noticed in the papers—how long prior to your coming here?
A. Nine months and over; one year since.
Q. That was the last advertisement that you saw?
A. Yes, sir.
Q. Did you ever answer that advertisement?
A. No.
Q. Do you know by whom that advertisement was inserted?
A. No, sir.
77 Q. You never answered any?
A. No, sir.
Q. Do you know anybody that did?
A. No, sir.
Q. Never met anybody that answered one of these advertisements?
A. No, sir.
Q. Or received anything through them?
A. No, sir.
Q. Now, when you came with your brother to this country, when you quit his employ, did you have any money?
A. No, sir.
Q. No means at all?
A. Only what he loaned me.
Q. How much did he loan you?
A. Ten pounds and my passage.
Q. Was it simply a loan?
A. No; he voluntarily paid for my passage.
Q. When did you first hear your brother speak about giving up his business?
A. Three weeks before we started to sail to this country.
Q. Did he own any looms or anything of that sort?
A. He had two looms.
Q. What did he do with them?

A. He sold them.

Q. Did you get that money from him while he was still in business or after he had given the business up?

A. Gave the business up, sir.

Q. What was the understanding when he quit the business; what did you intend to do?

A. I intended to give it back again.

Q. What did you intend to do after you had quit his employ?

A. I intended to—I intended to get a new job if he had not asked me to come.

Q. How long before he gave up this business did he ask you to come?

A. He asked me to come—it will be about a fortnight before he gave up his business.

Q. What was the understanding, what did he say to you about your coming to this country. What did he say to you in regard to his prospects here?

A. He told me that he would come to America, and he said would I like to go, and I said that I would right well; that was all.

78 Q. Is that all?

A. Yes.

Q. What did he say about the pay over here, and where he was going to?

A. He was going to see my brother in Wilkesbarre, and if he could get a situation he would take it, and if I could I would too.

Q. Did you and he discuss the fact that Mr. Lesser was in New York, or in the United States, and that he intended to see him in regard to work, to employment?

A. No, sir.

Q. Never mentioned that he was here?

A. No, sir.

Q. His name was never mentioned from the time that you decided to come here until when?

A. Until we got in New York.

Q. You only first heard of his intention of going to see Mr. Lesser after you arrived in New York?

A. Yes, sir.

Q. During the trip in the steamer in the company of Mr. Wakefield, Mr. Lesser's name was never mentioned?

A. Yes; it was never mentioned.

Q. You will swear that it was never mentioned?

A. Yes, sir.

Q. At any time after the conversation that you had with your brother, when he said that he was giving up his business?

A. Yes, sir.

Q. Never was mentioned until when?

A. Until we got in New York.

Q. After your arrival, and you left Ellis Island?

A. Yes, sir.

Q. You never heard of Mr. Lesser until you met him in New York. Between the time that your brother gave up his business on

the other side and you landed in New York, you never heard him spoken of?

A. Yes.

Q. You will swear to that?

A. Yes.

Q. Who paid for your passage to this country?

A. My brother; I have told you that two or three times.

Q. Is that what you always said?

A. Yes.

79 Q. Do you ever recall making another statement?

A. I have told you the same thing over and over again.

Q. Suppose I show you a statement where you did not say so?

A. I have told the same thing over and over again.

Q. Do you ever recollect this testimony that you gave on a prior occasion: "Q. Ever been in this country before? A. No, sir Q. Who paid for your passage? A. Myself. Q. And you came with your brother Peter? A. Yes." Do you recollect that?

A. Yes, sir.

Q. Now which was true?

A. My brother paid for it; I meant to add before that he loaned it to me.

Q. But you never referred to it at that time?

A. But you never asked me. I did say it, too; I said I paid it myself, that is my brother did.

Mr. TREADWELL: I object to these questions.

Mr. PADDOCK:

Q. Are you a member of the Amalgamated Society of Lace Workers?

A. Yes.

Q. Did you, before your departure from England, ever have any conversation with a man by the name of A. Lowe?

A. Yes.

Q. Who is he?

A. He is the secretary of the Beeston Branch.

Q. You told him where you were going?

A. Coming to America with my brother.

Mr. EPPLER:

Q. After you arrived and left here, where did you go?

A. We went to New York and walked around and had something to eat, and then my brother and we went to Mr. Lesser's.

Q. Something to eat?

A. Yes, sir.

Q. Is that the first time that you had ever met Mr. Lesser?

A. Yes, the first time.

Q. Did your brother know him before?

A. Yes.

80 Q. Were you present during the whole interview?

A. No, sir, not quite; I could not say that I was.

Q. Who was present, only you and your brother?

A. Wakefield and my brother, Mr. Lesser's son and Mr. Lesser himself.
Q. Were you present when Mr. Wakefield was there?
A. Yes.
Q. And your brother?
A. Yes.
Q. Did you have any conversation with Mr. Lesser during the interview?
A. No, sir; none.
Q. On that occasion?
A. Only as regards asking him for a job, that was all of the conversation.
Q. Who asked him for a job?
A. We asked him.
Q. But did you ask him?
A. Yes, sir.
Q. Were you the first one that he spoke to?
A. No, sir.
Q. Who was?
A. My brother Peter.
Q. Your brother was?
A. Yes, sir.
Q. Did you hear the conversation between Mr. Lesser and your brother?
A. No, sir.
Q. But it occurred in your presence and you did not hear it?
A. He only asked him for a job.
Q. Did you hear what was said by your brother and by Mr. Lesser, what Mr. Lesser said. Did you hear any conversation between your brother and Mr. Lesser in your presence?
A. Nothing I remember as far as that goes.
Q. Was there anything said by your brother to Mr. Lesser regarding employment?
A. Yes, he asked him for a job.
Q. Is that all that the conversation consisted of?
A. If there is a chance of a job——
Q. He said?
A. My brother asked him if there was a chance of a job.
Q. Job for whom? Was there a chance of a job for whom?
A. For all of us.
Q. All three of you? What did he say?
A. That he could find us something to do at some place——
81 Q. What sort of an answer did he make to your brother, did he say yes, or no; what did he say?
A. He said, yes.
Q. Did your brother ask him what kind of a job, or for something to do?
A. We told him that we have been weavers, and my brother had been a foreman.
Q. What did he tell your brother and you to do?
A. He told us that he would like us to come as soon we could.
Q. What place?

A. His working place.
Q. Where is that?
A. Gouverneur.
Q. Told you to go there as quick as possible?
A. As soon as we could.
Q. What arrangement did he make with you, with your brother, and with Mr. Wakefield about going there?
A. I do not know as he made any arrangement.
Q. Did you go there of your own accord, or did he send you there?
A. He sent us there, of course.
Q. By whom?
A. Some one out of his office.
Q. What was his name, was it Thompson?
A. Yes, it was Thompson. Yes.
Q. Mr. Thompson procured your transportation?
A. Yes.
Q. Take you to the depot?
A. To the depot.
Q. Went up there with you?
A. Yes.
Q. Well, what did he do when you got up there to Gouverneur?
A. We stood looking at one another like a lot of fools.
Q. With Mr. Thompson?
A. Yes, sir.
Q. Had he ever been at that factory before?
A. No, sir.
Q. Never had?
A. No, sir.
Q. Did he go to the factory with you?
A. Yes; we went and had some to eat first.
Q. After breakfast, did he go to the factory with you?
A. Yes, sir.
Q. Did you meet any one at the factory?
A. We met Mr. Stevens.
Q. Who is he?
A. Mr. Stevens and Mr. Lesser's brother.
82 Q. Is he up there at Gouverneur?
A. Yes, sir.
Q. What did you do then?
A. He asked us into the factory to see Mr. Stevens.
Q. Who did, Mr. Lesser?
A. Yes, sir.
Q. Had you ever met Mr. Lesser's brother until you reached Gouverneur?
A. No, sir.
Q. Did Mr. Thompson introduce you to him?
A. No.
Q. Did you reach the factory and introduce yourselves?
A. No, sir, we did not.
Q. What did you do after having had breakfast; you went to the factory, you say?

A. Yes, sir.
Q. With whom?
A. Mr. Thompson.
Q. Then who did you meet?
A. Mr. Lesser's brother.
Q. Then what took place?
A. We told him that we had been sent up there by the other Mr. Lesser who was in New York, and he took us up to Mr. Stevens.
Q. What did you tell—your brother and Mr. Wakefield tell Mr. Stevens?
A. Told him that we had been promised a job by Mr. Lesser of New York.
Q. What did he say?
A. He said all right, if you will come back next morning you can start.
Q. The next morning?
A. Yes.
Q. Did you?
A. Yes.
Q. Did you make any arrangement with Mr. Stevens or with Mr. Lesser's brother up there at the mill as to the wages that you were to receive?
A. No, sir.
Q. Where had that been done, had that been discussed at any time?
A. No, sir.
Q. What arrangement did you make?
A. We were to go in at the right rates.
Q. Commence at the right prices?
A. Yes.
Q. Went to see Mr. Lesser here in New York?
A. Yes, sir.
Q. Sent up to Gouverneur, with Mr. Thompson, the next morning you saw Mr. Lesser up there, who took you to Mr. Stevens,
83 and Mr. Stevens told you to come back the next morning and start in to work?
A. Yes.
Q. Is that right?
A. Yes.
Q. Mr. Lesser, here in New York, sent you with Mr. Thompson, with instructions to take you to his brother in Gouverneur, and then he took you to Mr. Stevens and Mr. Stevens put you to work the next morning after your arrival?
A. Yes, sir.
Q. Is that true?
A. Yes, sir.
Q. What have you been doing ever since?
A. Working at the job ever since, sir.
Q. Were you working until you came here?
A. Yes, until an hour before they came for us, and we were satisfied, too.
Q. You were satisfied?

A. Yes.
Q. With what?
A. I was satisfied with my job.
Q. You are positive that this statement is true?
A. Yes.
Q. What was the compensation that you had, what wages did you receive, how much did you earn?
A. Average do you mean?
Q. What was your pay? At what rates were you paid?
A. So much per rack.
Q. Is that the custom in your business?
A. Yes.
Q. For you to receive so much per rack?
A. Yes, day work——
Q. If you work day work they pay you so much per day, and if you work rack work, they pay you at so much per rack?
A. Yes, sir.

Mr. MOLER:

Q. What were you working at?
A. Depends.
Q. Day work or at the loom?
A. At the loom.
Q. Have you worked any day work since you have been here?
A. Yes.
Q. How much did you receive for that?
A. For the day?
Q. Yes?
A. It is $2.50 per day.
Q. $15 per week, for six days' work?
A. Yes, sir.
84 Q. Did you have any discussion with Mr. Lesser here in New York as to the prices that you were to receive for day work?
A. Mr. Stevens arranged all that.
Q. Mr. Lesser paid for your passage from New York to Gouverneur, did he?
A. Yes, and as far as I know he paid that for my brother.
Q. You did not pay it?
A. No.
Q. Do you know who paid it?
A. No, except the young fellow paid it, Mr. Thompson.
Q. Did you have any talk with Mr. Lesser as to whether the money for your fare would be deducted from your wages?
A. No.
Q. Do you think it will be?
A. No.
Q. Has he made any deduction yet?
A. No.

Mr. PADDOCK:

Q. You were willing to go to work wherever your brother Peter wanted you to, isn't that so?
A. Yes, sir.

PETER PEARSON, being duly sworn, testified as follows:

Mr. WEIHE:

Q. What is your name?
A. Peter Pearson.
Q. And your age?
A. 44.
Q. You are from England?
A. Yes.
Q. Are you in company with any one here?
A. I am in company with my brother Enoch and with John Wakefield.

Mr. NEARY:

Q. Have you any agreement as to work in the United States either direct or indirect made before you left England?
A. None whatever; I came here as a speculation, simply as a speculation.
Q. You had been in business?
A. Yes, I had been in business, in a losing business.
Q. Have you any other business, except as a manufacturer of laces?
A. Yes.
Q. What is it?
A. My own trade.
Q. What is your trade?
A. I was what is known as a reader, it is a part of the lace curtain manufacture.
Q. Have you been in this country before?
A. Yes.
Q. Have you been an inventor?
A. I have invented machines.
Q. When had you been here before?
A. I was here, as near as I can recollect, from April—from early May until the 2nd of August, 1893.
Q. In the exposition in Chicago?
A. Yes, at that exposition.
Q. What were you doing then?
A. I came over with a machine, I demonstrated a machine there. patent could not hold in this country unless you made a demonration and I had a working model of the machine and came over re with that.
Q. You brought a model with you?
A. Yes, I brought a working model.
Q. After you went back to England, what did you do?
A. I went back to work for the same firm that I was working for fore.
Q. When did you begin business for yourself?
A. This machine I am telling you about was put on the trade. In ttingham there are a number of small manufacturers, and this chine was put on the trade to work for these men, as their own nts were not large enough for them to have a punching plant of

their own. Worked for four years on the trade. Then I bought a couple of machines of my own.

Q. How long ago was that?

A. Last spring, last March.

Q. Went to work manufacturing lace machines for yourself?

A. Lace curtains.

Q. For yourself? How long did it continue?

A. I continued up until early in January of this year.

Q. Was your business prosperous?

A. Unfortunately, no.

86 Q. It was not. What did you do when your business was prosperous?

A. Well, I could see that I was working hard for the money, I worked very hard myself. Lost all that I could and come out clear. Pay all my debts.

Q. Did you take council with anybody as to what you had better do when your business was not prosperous?

A. Well, I could see for myself that I could not go much further, and I decided that I had better sell the machines, sell the plant as a going concern.

Q. Did you do so?

A. Yes, sir.

Q. When?

A. It would be, as near as I can recollect, about the middle of January of this year when I sold it, and came out here.

Q. Then what did you do?

A. Well, trade is very bad there, my brother was working for me, and we have heard there that here the curtain trade is very good, and as many there had been coming here, and as far as I knew were doing well, and I thought that I would come here and see whether we could get situations in America. I had a brother in America.

Q. At what place?

A. At Wilkesbarre.

Q. What is his name?

A. His name is Philip. We intended to go and see him.

Q. At that time did you have any agreement as to work?

A. No agreement with any one as to work.

Q. Who came at the same time that you did?

A. My brother Enoch and John Wakefield. He was on the same ship.

Q. And you had the same kind of a hearing before the inspectors here, did you?

A. Yes.

Q. After you were permitted to land, what did you do then?

A. It was late in the day, it was very cold, and we went and had something to eat, and then of course I knew that Mr. Lesser was in New York.

Q. Had you known Mr. Lesser?

A. Yes, sir.

87 Q. How many years had you known him?
A. I could not say exactly. I saw him come to the firm where I worked, and I went there to see what he could do for me.
Q. Then you went to his place on that day?
A. Yes, sir.
Q. Found him where?
A. I think it is 20 East 20th Street.
Q. Who went with you?
A. My brother and John Wakefield.
Q. Well, tell us as near as you can, what occurred when you saw Mr. Lesser?
A. Well, when I saw Mr. Lesser he was surprised to see me here. I told him my business here, and I told him what I was after; asked him whether——
Q. What did he say?
A. I asked him if he had a good situation. I told him that I had old my business, of course, and that I had come to this country to get work.
Q. Yes?
A. And that my brother was with me as well; whether he had nything, whether he could find me a situation as a corrector.
Q. What did he say?
A. He told me that he could not give me a position as that, as he lready had a man as corrector, and reader too.
Q. What did he say?
A. He said that I could go up to Gouverneur, and there might be chance of a situation as assistant manager. Of course, I never ad been assistant manager before in my life. Of course, I have een among machines all of my life, and I felt myself fully quali- d to take such a position, and naturally when he offered it to me was very glad to take it.
Q. Go on and give as much of the conversation with Mr. Lesser you can remember?
A. I told him first of all that my idea was to go to Wilkesbarre, t he did not seem to want me to go there. I told him that I had brother there, but he wanted us to go to Gouverneur, and if we uld go there right away, he would undertake to pay all of the penses, so as we could come back to New York if we did not get a situation.
Q. What did he do if you did not get a situation?
A. Of course, he left the management in the hands of a nager at Gouverneur.
Q. Did he tell you who he was?
A. His name is Stevens. Of course, we would go up there, and it ppened that there was another man going up there too, a young ow.
Q. Did he say who that was?
A. He did not say so at that time.
Q. Did he tell you who that was, who was it?
A. Yes, it was Thompson. I did not know who he was at the e, I had never met him before in my life.

Q. Go on, keep on with the conversation with Mr. Lesser.
A. Well, so far as I can say, there was very little more took place.
Q. Did he say that the others were going up with you?
A. Yes, he said that we were going up there together. We asked him if he was employing weavers, and he said that he thought there was a good chance of getting a situation, and my companions should go up there and make application.
Q. You went up there with Mr. Thompson, who paid your way, I suppose.
A. We went around New York, and the next day we left on the 11.30 at night from the central station. We were 31½ hours on the way.
Q. When did you get to Gouverneur?
A. Seven o'clock on Thursday morning. We were snowbound and we did not get there until that time.
Q. What did you do when you got there?
A. We met Mr. Morris Lesser, and applied for a situation, and Mr. Stevens put us to work the next morning.
Q. Mr. Stevens did?
A. Yes.
Q. And you have worked there ever since?
A. Yes.
Q. Until you came down here?
A. Yes, ever since.

Mr. MOLER:

Q. Who paid your passage from here to Gouverneur?
89 A. Mr. Lesser. I wanted to go to Wilkesbarre, and he said that if we would go up with this young man that was going up there that night, he would undertake to pay our expenses.
Q. Pay your expenses up there whether you got a situation or not?
A. Yes, sir.
Q. Do you know what position Mr. Lesser occupies with reference to the International Lace Company?
A. He is what I would call the manager.
Q. Do you understand that the manager of this factory has the job of employing labor?
A. Well, not always.
Q. Do you understand whether Mr. Lesser has the power to employ labor or not?
A. If he delegates the powers to others. I could not say whether he has the power or not. From my experience with him I should say that he has not.
Q. Did Mr. Lesser promise you employment while in his office?
A. No.
Q. Never talked with you as to the amount of wages that you were to receive up there?
A. Certainly there was something said about wages, but there was nothing definite decided.
Q. What wages did you agree on?
A. With Mr. Lesser, $25 per week.

Q. What wages was your brother to receive?
A. I do not know; they made their own arrangement.
Q. You did not make any arrangement for your brother?
A. I did not make any arrangement for them.
Q. You had nothing to do with Mr. Lesser or with any other person as to the wages that your brother was to receive?
A. There was no arrangement at all made in New York.
Q. What wages is he receiving now?
A. $15 per week.
Q. You all arrived here the first day of February. Where did you state that you were going?
A. I stated that I was going to see my brother at Wilkesbarre.
Q. You did not state positively that you were going, but had an idea that you were going?
A. That is so.
90 Q. How long has your brother been here?
A. Six years last December.
Q. What is his trade?
A. He is a corrector.
Q. Working in the lace mills?
A. Yes.
Q. Were you invited by him to come to America?
A. No.
Q. Not by any person?
A. Not by anybody.
Q. Not by anybody?
A. No.
Q. You state positively that you were not invited to come to this country by any one?
A. I state positively that I was not invited to come to this country by any one.
Q. Mr. Pearson, there will be no question about your intelligence, no doubt whatever; were you entirely non-confused when you were before the Board before?
A. No.
Q. You were not confused, were you?
A. I cannot remember that I was.
Q. Can you remember ever having been confused?
A. Well, I cannot say that I am always clear-headed.
Q. The statements that you made when you were before the Board previously, were made deliberately, and were the truth, and you understood all of the questions asked you, didn't you?
A. Well, I expect I did, I think I did.
Q. Did you consider at that time that there were any unfair questions asked you?
A. I cannot remember what was asked me.
Q. The statements that you made at that time were the truth as you understood it to be?
A. As far as I remember it was.
Q. The statements that you made at that time were the truth as you understood it to be?

A. As far as I remember it was.

Q. You stated at that time that you were invited to come to America, and now you state that you are not; which is true?

A. I do not think——

Q. You made this answer: "Q. Were you invited by any person to come to this country? A. Yes. If I said I had not been invited I would be telling a lie."

91 Q. Did you make that statement?

A. Well, I might have done so.

Q. Is that the truth?

A. It is not in the way it is put there.

Q. Why did you state that?

A. I think that I could explain it if I be given an opportunity.

Q. Well, explain it then?

A. One thing that I meant to say in regard to that is this. Some months ago I saw Mr. Lesser.

Q. Where?

A. In Nottingham, and during a talk on business, he was at the firm as a buyer, I spoke to him in this way, whether there was any chance of a situation with his firm, and he said no.

Q. Mr. Lesser told you in Nottingham that he had no work for you at his factory in Gouverneur, did he?

A. Certainly.

Q. Told you that he did not?

A. Could not give me any work.

Q. Then why were you anxious to hurry right to his office and hunt for work when you came here?

A. It was the first place, and it was on the spot.

Q. You have stated here to the effect that there were lace factories in Wilkesbarre?

A. That is so.

Q. You state positively that Mr. Lesser never did promise you any work?

A. Certainly.

Q. And on the other hand told you that he had no work for you?

A. He had no work to give me.

Q. Was it said in that way?

A. Certainly not. He said that if ever he was in a position to give me a position he would give it to me. That is what I meant by the invitation. He would give me a situation, if I should be here, and provided he had it.

Q. Did you have any understanding, or did you have a direct understanding, did you discuss the amount of the wages that you were to receive with Mr. Stevens after you arrived at Gouverneur, and before you went to work?

A. I arranged matters with Mr. Morris Lesser.

Q. At Gouverneur?

A. Yes.

Q. That is the brother of the Mr. Lesser that you met in New York?

A. Yes, sir.

92 Q. Then you made no arrangement whatever with Mr. Stevens as to the compensation that you were to receive?

A. The only conversation that I had was at the end of the week, when Mr. Stevens came to me and asked me what wages I was to receive.

Q. But have just stated that Mr. Stevens is the manager, that he is the employer of the labor, and do you mean to say that he did not know how much you were to receive?

A. I don't suppose that he had anything to do with the wages.

Q. Don't you think that is a little inconsistent?

A. Certainly not; Mr. Stevens' position is that of an expert, and he has nothing whatever to do with the finances.

Q. Nothing to do with the employment of the labor?

A. Nothing to—well, he engaged the labor.

Q. Does he simply pass upon the qualification?

A. If a man applies to him for a position, he ascertains whether that man is fitted for the situation.

Q. Did he have the power to hire or refuse to hire, and to discharge men?

A. As far as I understand, as far as my experience goes, I would think he had the power either to hire or refuse to hire labor, as suited him.

Q. Is it a fact that he is there simply to pass upon the qualifications of those who applied for employment as lace weavers?

A. His business there is to manage the manufacture.

Q. Do you understand that Mr. Lesser, the brother of Mr. Lesser in New York, is empowered with the authority to hire and discharge labor at the factory?

A. I do not know anything about that.

Q. Who engaged you?

A. Mr. Morris Lesser.

Q. He has the power to employ labor?

A. I would only answer for myself.

Q. Did he in your case?

A. Yes.

Q. Who employed your brother?

A. Stevens.

Q. Who employed Mr. Wakefield?

A. Stevens. It was in the office and Mr. Morris Lesser was present.

93 Q. Is the authority to employ labor there scattered under the various heads of departments, to employ the labor needed by them; do you know?

A. As far as I know, the lace industry is divided into various departments; there is necessity for organization, and it might be divided into a number of departments which are entirely distinct.

Q. Is Mr. Morris Lesser a lace weaver himself?

A. I would say not.

Q. Is he an expert in that trade?

A. I think he is a wholesale buyer.

Q. Did he occupy the position of passing upon the qualifications of an employee?

A. I do not think so.
Q. Who posed in that capacity?
A. Mr. Stevens.
Q. Did he pass upon you before you were employed and went to work?
A. If Mr. Stevens did not think, had not thought I was competent, I would not have been employed.

Mr. WEIHE:

Q. With whom did you make the arrangement about your wages?
A. Morris Lesser. Then Mr. Stevens did not know what arrangement had been made, and then later on he came to me, and wanted to know what money he was to pay me, and then I told him.

Mr. MOLER:

Q. What arrangement did you make with Mr. Lesser in New York as to the payment of your passage to Gouverneur?
A. That if I would not go to Wilkesbarre, and I would go right up there instead, he would pay our passage there.
Q. Told you that you could have work when you arrived there?
A. We could see Mr. Stevens; there was nothing definite.
Q. Have an agreement with Mr. Lesser that your passage to Gouverneur would be deducted from your wages?
A. I expected it.
Q. Did you have that arrangement?
A. There was that arrangement, yes.
94 Q. How is it to be deducted from your wages, if you have no contract?
A. There was no contract.
Q. Did you have any understanding that if you did not work, did not get the situation, about the fare, the money that he laid out for your passage?
A. If I did not take the situation, Mr. Lesser stood to lose the money for the passage up there.
Q But any way he would pay your passage back to New York if you did not go to work there?
A. Yes.
Q. Do they employ skilled labor of a particular class at that factory?
A. No——
Q. The machines in use there are the same as are in use at Bromley's in Philadelphia, and in other places in the United States?
A. Yes.
Q. Does it require a particular class of skilled men to work these machines?
A. It requires the best class of skilled workmen.
Q. The character of the work turned out by that company is lace curtains?
A. Only lace curtains.
Q. That is all you know of?
A. Yes.

Q. The manufacture of lace curtains has been in operation in the United States for a great many years, has it not?
A. It has, yes.
Q. For how long, do you know?
A. Fourteen years.
Q. It is in no way a new industry?
A. It is a new industry.
Q. The making of lace curtains a new industry?
A. It is in a certain sense.
Q. How so?
A. Because the business is not learned in a short time.
Q. How long does it take an ordinary person to become an ordinary adept?
A. Some of them never become an adept at all.
Q. But an ordinary person?
A. They may become gray-headed in the business, and then never learn.
Q. For a man of ordinary intelligence, how long does it take?
A. They reckon in the trade about four years; but a boy has to be brought up in the trade.
95 Q. Did you ever see any advertisement in the Nottingham papers for lace weavers to come to the United States?
A. No.
Q. Never seen it?
A. No.
Q. At any time?
A. No, I could not recall.

Mr. PADDOCK:

Q. How long have you known John Wakefield?
A. I have not known him very long, I have seen him where—really, I do not know him very well at all.
Q. Did he ever speak to you about coming to America?
A. I could not say, I did not know any of his business. He was only casual acquaintance, and I could not say when I saw him last.
Q. Did you belong to the same labor organization?
A. I could not join one; my position——
Q. Did you or did you not?
A. Yes, I did—they won't allow me to be a member.
Q. What is that?
A. They do not allow any one in a union who holds a position as a foreman, or as an assistant foreman; and now as I am a foreman that debars me from being a member of an organization.

Mr. PADDOCK:

Q. Do you know the secretary of that organization; first, what is the name of the organization?
A. The Readers, Punchers and Carders Society.
Q. Is Mr. A. Lowe the secretary of the society?
A. No.
Q. Didn't you tell the secretary of that society where you were going to work when you left Nottingham?

A. I never saw the secretary.

Q. You stated in your examination on February 1, 1904, as follows: "Q. Did you come here with the understanding that you could or would make an arrangement with Mr. Lesser regarding employment in any factory that he was connected with in the lace business? A. I certainly came here in that faith. Q. Did
96 Mr. Lesser at any time give you to understand, during your conversation with him, or through any other medium, that when you came to this country you would receive employment in this factory? According to what your services were worth? A. He inferred if I came to this country, no doubt if I applied to him I would get a situation, though there was no understanding."

Q. Did you tell any one before you left Nottingham that you were going to Mr. Lesser's factory?

A. I did not.

Q. Did not mention that you might go there?

A. Certainly, I might have mentioned that I am going there, the same as if I was going anywhere else.

Q. You know of the International Lace Mfg. Co., you knew of it?

A. I did not know any more than they had got lace machines, the same as Bromley's at Philadelphia.

Q. But you knew that Mr. Lesser was manufacturing lace in Gouverneur, New York?

A. Yes, I knew that.

Q. Did you pay the passage of your brother to come to this country?

A. Yes.

Q. Did you buy the ticket for him?

A. Yes.

Q. You bought the ticket for him; did you pay the money for it?

A. Yes. It was the understanding that if we got work here, he would pay me back again for the ticket.

Mr. TREADWELL:

Q. Was there anything said in New York, before you went to Gouverneur, that if you were not satisfied yourself that your passage would be paid back to New York by him?

A. On that point there was this understanding, that if there was not a situation for me or for my brother Mr. Lesser undertook to reimburse us, to come back to New York.

Q. Put you back in New York where you started from?

A. Yes.

Q. Well, now you have been asked by the Commissioner
97 why it was that you did not go down to Wilkesbarre first to see your brother instead of going to see Mr. Lesser here in New York. Is it the fact that Mr. Lesser was nearer and that is why you first went to see him?

A. Certainly; it was there right to hand.

Q. Then you could go to see Mr. Lesser right here without any expense before you went on your way to Wilkesbarre, could you not?

A. Yes.

Q. Was there any other reason why you went to see Mr. Lesser that first day?

A. That was the only reason; it was on the spot, and I would have to come up here to see him afterwards.

Q. When you got to Gouverneur, did you understand that you were perfectly free on your part to accept or to refuse to accept such employment as was offered to you there, and if you chose to refuse it, that you could come back to New York, and that your expenses would be paid to New York, all of your expenses?

A. I would get back to New York without expense.

Q. Then you were perfectly free to do as you pleased?

A. Perfectly free.

Q. Did you understand, on the other hand, that the International Lace Company were perfectly free to accept or refuse to employ you?

A. Certainly.

Q. Except that they were to be put to the expense of paying you for your trip up to Gouverneur and back again to New York?

A. My understanding is that Mr. Lesser was anxious to give us a job, and that he would rather pay our expenses up there, as he was short of weavers, than let us go to Wilkesbarre first. That was my impression at the time.

Mr. MOLER:

Q. During your conversation with Mr. Lesser in his office, did he give you to understand, or did you believe, that he had the right to employ labor for the factory?

A. I asked him for work and he offered to pay my expenses if I would go up there.

98 Q. At $25 per week?

A. I did not make the arrangement with him; I made the arrangement with Mr. Morris Lesser.

Q. Then you had no understanding as to the amount of wages that you were to receive?

A. At this end I did not know how much he would pay.

Q. You state that Mr. Lesser offered to pay the passage for the three of you from New York to Gouverneur, and then from Gouverneur to New York, if you were not satisfied. Do you think that would be the act of a good business man, do you think that is good business; would you have done that if you had been in business for yourself?

A. I could not say that I would do anything of that kind.

Q. Do you think that is a good business proposition?

A. I suppose he wanted us up there.

Q. When you were here before, you stated that you were going to your brother?

A. That was my intention.

Q. You stated to this Board, when you came before it on the 1st of February, that you came to the United States with your brother, Enoch Pearson, to go to Wilkesbarre to your brother Philip?

A. That was my intention; I intended to go up there to see my brother.

Q. But you did not go to see your brother?
A. When I first took the job I thought that I would be able to see my brother very shortly.
Q. You thought that Gouverneur was nearby Wilkesbarre, did you?
A. No; but I did not think it was such a long way off.
Q. You have been here before?
A. Yes.
Q. Where?
A. In Connecticut.

Board adjourned at 4.40; case to be continued next day, March 30, 1904.

GEO. S. CURRY, *Secretary.*

99 First Board.

At a Special Inquiry held at Ellis Island, New York, March 30, 1904. Present, Messrs. Moler (Chairman), Weihe and Eppler, Inspectors.

Also present: Mr. Paddock, Attorney for the Commissioner of Immigration, and Messrs. Neary and Treadwell, attorneys for aliens in cases below.

Continuation from March 29, 1904, of hearing. Cases called at 10.30.

Case of Pearson Peter, 44, male, English, ex ss "Etruria." Date of arrival, February 1, 1904. "Brought to this station March 24, 1904, on Dept. warrant No. 43563."
With brother and John Wakefield.
Contract Labor Case. Wm. Scarlett, Inspector.

also

Case of Pearson, Enoch, 35, m., English, ex ss "Etruria." Date of arrival, February 1, 1904. "Brought to this station March 24, 1904, on Dept. warrant No. 43563."
With brother and John Wakefield.
Contract Labor Case. Wm. Scarlett, Inspector.

also

Case of Wakefield, John, 27, m., English, ex ss "Etruria." Date of arrival, February 1, 1904. "Brought to this station March 24, 1904, on Dept. Warrant No. 43563."
With Peter and Enoch Pearson.
Contract Labor Case. Wm. Scarlett, Inspector.

Mr. EPPLER: Mr. Chairman, I think we can dispense with the presence of the Mr. Pearsons and Mr. Wakefield. I would like to examine Mr. Lesser. (Request withdrawn and aliens remained present.)

100 Mr. LESSER: called, sworn, testified:

Mr. MOLER:

Q. What is your name?
A. Joseph S. Lesser.
Q. Where do you reside?
A. 308 West Eighty-eighth Street.
Q. What is your business?
A. Well, I am in the manufacturing and general merchandising.

Mr. WEIHE:

Q. Have you an office anywhere in the city?
A. 20 East Twentieth Street.

Mr. MOLER:

Q. New York City?
A. New York City.
Q. Where is your place of business—your manufacturing establishment?
A. In Gouverneur, New York. It is not my own; it is a corporation.
Q. What position do you hold in the International Lace Company?
A. President.
Q. President of the company?
A. Yes, sir.

Mr. EPPLER:

Q. It is in Gouverneur, New York?
A. Yes, sir. The firm here is J. S. Lesser & Company—at Twentieth Street I speak of.

(Examination of witness continued by Mr. Neary.)

Mr. NEARY:

Q. How long have you been in the lace business, Mr. Lesser?
A. I have been in the lace business since 1876.
Q. In company with anybody?
A. Our firm was first Louis Cabel and Lesser until the year 1887. It was then changed to J. S. Lesser & Company.
Q. Who is the company?
A. My brother.
Q. His name?
A. Morris. And since 1887 it remained the same. The organization is really a different firm. That firm continues. And J. S. Lesser & Company is still in existence.

101 Q. What is the business of J. S. Lesser & Company?
A. Same as we were always, selling laces, lace curtains and embroideries.
Q. I had reference to what has been heretofore?
A. The same kind of business. While heretofore we used to import the same class of goods, laces, embroideries, curtains.

Q. From where, chiefly?
A. Chiefly from Nottingham. Also Switzerland, Germany; chiefly from Nottingham. That is the chief centre for those goods.
Q. In the transaction of your business, did it take you abroad?
A. Yes; twice a year. I have crossed eighty-eight times.
Q. In visiting Nottingham, did you meet Peter Pearson?
A. Many times.
Q. How long ago?
A. For the past twenty years, I think, I know him. It is quite a number of years.
Q. You became acquainted with him?
A. Yes.
Q. What was his business?
A. Well, when I first knew him, many years ago now, I knew him as an expert reader and corrector, so called, on the machine, you know, used for laces. I used to do business with the manufacturer where he was employed and I came in contact with him in the course of business transactions. He used always to be called in. The principal consulted him on certain things regarding the manufacturing, designing and making, to carry out my wishes. We have all our own patterns. His boss used to call him in to consult with him. I met him in that particular instance, many, many times. Subsequent he has invented a machine and has invented a certain machine; everybody thought it would revolutionize the world. I believe it is. I have known him as an inventor. He left the place there I believe to sell his invention. I don't know how he came here. I then lost track of him. His boss died and I lost track of the place.
102 That is, I didn't do any more business after this man died. I met him occasionally in Nottingham, as he was in the manufacturing business. He had machines and came in to see me and consult me. In fact the last time he wanted to sell goods. Came in to sell goods. He was a manufacturer.
Q. That is the time you now speak of?
A. Yes, the last time; that was in Nottingham.
Q. You can go on—he owned an invention?
A. He was one of those who came to see me. He told me he has got a certain machine, namely, known by (name of machine not heard). I suppose it is immaterial. Whether I could buy goods in the brown, for the trade sell in the brown in Nottingham. The manufacturers have been, of course, men that sell in the brown. Well, I said I might. I wasn't just open at that time; he could bring what he had or bring the pattern too. He told me in the course of conversation that things were bad. I asked him how things were going with him. He said things in England are getting very bad. It is shifting. The trade is shifting to America. You understand, any one in the trade to buy machines he has to go in to Nottingham for the best machines in the market. Anybody must come to Nottingham to buy these machines. There are only four machine builders, and when one comes to buy machines he must take time also to place orders for three hundred thousand dollars. You make bids. Everyone connected with the trade, the man-

ufacturer and wo[illegible] know it. He knows that somebody is buying machines. One tells another. He said he knew I was buying machines and he asked me how things are in America. I told him the trade in America was very good in that line. He said it ought to be because it is shifting from this side. He said he had the idea he would sell out. He was not doing well. What chance he would stand in America. I said I think a man like you could stand a very good chance. There is always in America something to do
103 for good people. I don't know exactly every word that was said. This was the sum and substance of it. I then left for the Continent and I came back to Nottingham probably in a month or six weeks later. He came in to see me again. He showed me a patent or a sketch he was making on his machine and asked what I thought of it. This time he said he was anxious to sell the machine: if he tried enough he could get a chance to sell. He is sure to do it and mind——

Q. Did he tell you he will come to America?

A. I was—he said do you think there will be a chance in your place. I said I could not say just now. We have got one man. Just engaged two or three months. If you come to America, I don't think you will find any difficulty to find a job. Plenty of factories there now. I only stayed in Nottingham a couple of days. I haven't seen him since until he came to America. I sailed two or three days after and——

Mr. EPPLER:

Q. To America?

A. To America. I haven't seen him since until I met him, which was in our place. I do not remember the day—I believe it was in February. It was around there. I was a little surprised to see him. He came without any ceremony. He came in there and introduced me to his brother. I never met his brother in my life. He introduced me in New York the first time. Another gentleman who was with him and the brother, he said was a ship mate or room mate, I forget the word he used.

Mr. NEARY:

Q. Did he give his name?

A. He told me the name, Mr. Wakefield and his brother. And then he commenced to tell me of the troubles he has had here landing here. You are a fine country, he says. You don't let people in. In fact he went over the general situation. You call it a free country, he said. There I have been kept like a prisoner for
104 no crime. Of course I didn't think anything about that. I simply said there was some laws regarding the entrance of aliens. I supposed he went through the formality. I thought everybody else went through the same. That was finished——

Mr. MOLER:

Q. Did he tell you at that time his destination in this country?

A. Well, I will get to that. Then I asked him where he was going, and he said he intended to stay a day or so in New York.

Then go to Wilkesbarre. Got a brother there; got a good situation over there he learned. He knows there are several factories there, he said, in Wilkesbarre. He found the pay is good there where he is almost sure to get a fine situation, as his brother is not a good skilled workman as he is and he would find work there without difficulty. I couldn't tell him to go to Wilkesbarre, that it is a good place for such people. I felt all the time if he goes there I will never see him again and I at that time wanted people—in fact I want them now—and I commenced to talk against Wilkesbarre. I told him Wilkesbarre would be a bad place. He would pay more for things; everything dearer; everything I could think of against Wilkesbarre; he shouldn't go there. I told him if he was to go to our place he would find himself more comfortably situated. Some pleasure, cheap living, and the Lord knows what else I didn't tell him to induce him to go to our place. Of course he was bound to go to Wilkesbarre. He wouldn't listen. Took one some time to persuade him. At last I made an offer for him to go up there; I would pay his expenses and if he would not find the situation suitable I would pay his expenses back. That was the inducement I made to get him to go.

Mr. EPPLER:

Q. That offer held good for all three?

A. Yes, sir. As a matter of fact they are not the only
105 people that we paid expenses. We pay from New York. We have sent up batches of New York people and Boston people and Wilkesbarre, prepay expenses from New York—otherwise they wouldn't go. Our competitors in Wilkesbarre and in Philadelphia are doing their utmost to keep people away from our place. They say you will freeze to death up there, thirty below. You will freeze to death. Snowed in all winter. They will do everything. We are so far out of the way; we are in the extreme northern part of the State and it is not easy to get people to leave their homes in New York or Philadelphia or anywhere to go there in the northern part of the State in the winter. Our competitors make capital of it and they use it. We have got to do something.

Mr. NEARY:

Q. Did anybody go with them?

A. Mr. Thompson. He was going up there also—an employee—and happened to go at the same time, that is, next day, and of course they went with him. Mr. Thompson has gone up there since and is living there. We paid his expenses. At the same time, two days after, a batch of people went up, a Mr. Hearn, a Mr. Hill, a Mr. Murphy, all went up. We paid expenses.

Mr. NEARY:

Q. If there was anything else in particular that was said in New York before they went, you wish to mention you said to them?

A. Well, I don't know what particular instance or what would interest the commission. Don't know exactly what would be of interest to them, except what it was on the subject.

Q. Now, in Nottingham, did you make any agreement of any money, of a nature other than you have mentioned here?
A. None whatever.
Q. Or statements to them of cash?
A. None whatever.
106 Q. That is the only thing you did?
A. The only statement was, I said that things in America are very good in that line.
Q. Was he in business at that time?
A. He was in business for himself at that time. He was, I understand, offering to sell me goods.
Q. You made an affidavit at Gouverneur to Mr. Scarlett?
A. Yes, sir.
Q. Did you invite him to come to this country?
A. No, sir.
Q. Did you say any more on that subject than you have testified to?
A. That's all.
Q. In the affidavit that you made before Mr. Scarlett, it is stated that you did not pay any of their expenses—in substance—from Nottingham to Gouverneur; did you understand?
A. Well, that word I thought intended from Nottingham here to New York.
Q. New York City?
A. Yes, sir. I wasn't asked particularly about Gouverneur. I was asked did you pay their expenses from Nottingham. I said no. I said then I pay for all these people from New York.
Q. Did you know that that expression had been in the affidavit?
A. I didn't notice it at all. I didn't scrutinize. The thing was made and Mr. Scarlett handed it over to my typewriter to be typewritten. That might have escaped my attention, the word Gouverneur.
Q. If you had been asked "From America or New York"?
A. I certainly would have said that I paid from New York to Gouverneur.
Q. Did you make any further arrangements with them as to employment in New York City?
A. Nothing further.
Q. Who had charge of the employment of men in the International Lace Company?
A. Well, each particular head of department has particular charge of his particular department.
Q. And who was in charge in the department in which
107 they were expected—intended they would work?
A. Mr. Stevens has charge of that particular department.
Q. Did you give his name to them?
A. Yes, sir.
Q. Was the question of wages discussed at New York?
A. Well, there was something said what we are paying up there.
Q. What did you say on that subject?
A. I said I wasn't quite clear on that subject. I said we pay as much as any factory in the country.

Q. Do you pay Union wages up there?
A. We do.
Q. Is it a Union shop?
A. There are some people who belong to the Union, I dare say, but we don't consider it so. I don't ask.
Q. Why isn't it a Union shop, Mr. Lesser?
A. Because we couldn't accept the Amalgamated Association—that's what they call themselves—the Amalgamation of Nottingham Lace Makers in connection with these here Philadelphia people, they are amalgamated; they call themselves the Amalgamated Lace Makers' Association, as far as I know them. I couldn't accept their terms, their conditions, not their terms or their conditions. The secretary was in to see me last summer.
Q. What were the conditions of the Association that you could not accept?
A. The most objection I have is really that they do not allow any more than one apprentice to seven machines, which means one apprentice to fourteen men, and we have built a factory covering now three acres of ground, that is the company has in Gouverneur, in which there are one hundred and fifty people from the town interested, directly and indirectly. Directly with the money because they are all shareholders. We have got one hundred and fifty shareholders in that town. All the business men, the best people in the town, all the judges, lawyers and doctors stockholders. In fact the welfare of the town depends upon it, and because there was no work in the town until we built there for girls, or men for
108 that concern. They were bidding for us to go there. They wanted the factory in order to employ the people of the town, that they wouldn't leave, the children particularly; you understand how many people we are employing, and of course we couldn't accept such conditions. If we are restricted to one apprentice for fourteen men, when we have a factory, an investment of five hundred thousand dollars, covering three acres of ground now, with new machinery coming in all the time, we couldn't do it. If we were to go and appoint one apprentice for fourteen men, it would mean ten years before he would become a weaver, a laceman. As a matter of fact our shareholders, as I said there are one hundred and fifty of them in the village, would object to any such conditions. Because what chance would a young man have, or a girl either, if we were restricted to employ one for fourteen men? What chance would there be for any one of them? The object for which the factory was built up there would be defeated by it. And that was really one of the objectionable features, assisted by all their arbitrary methods and things; but I said to the people, to the secretary——

Mr. EPPLER:

That's not the question.

A. I can only explain in what way we do not recognize the Amalgamated Association of Philadelphia.

Mr. NEARY:

(To chairman.) Is there anything on that subject?

Cross-examination.

Mr. MOLER:

Q. When did you establish your factory in Gouverneur?
A. What do you mean, when we started to break ground?
Q. When did you open the business?
A. We are building yet.
109 Q. When did you commence to manufacture laces?
A. Manufacturing laces? We started one department in May—a year next May.

Mr. EPPLER:

Q. Last May, nineteen hundred and three?
A. Yes, last May. It was to make certain goods which——

Mr. NEARY:

Q. Your answer is, please, when you started the looms?
A. I believe the first loom was started—I believe the loom was started last October. I am not quite certain, because I was away when the first loom was started. It is either October or November—just a few months ago.

Mr. MOLER:

Q. Do you employ the same methods, the same machinery that are used in Philadelphia, Wilkesbarre, and by other lace making manufacturers in the United States?
A. I don't know their methods.
Q. You know the machinery?
A. We have got different machines. We have machinery they haven't got there. We have lace machines and I don't know there are any there.
Q. Yes. In a commercial way you arrange your factory to compete with Bromley of Philadelphia and other people?
A. To make money, to compete with everybody, to make goods that the trade require. Goods we used to import we make now here; we have the same things, the same patterns.
Q. You have substantially the same kind of machinery as you have had the last thirty years?
A. Substantially so, yes; in Germany, England and Switzerland.

Mr. NEARY:

Q. In this country have they got the same machines that you have got?
A. I don't think the same make as we have.

110 Mr. MOLER:

Q. You state a while ago there are in Nottingham four manufacturers of looms—lace making machines—that they deal practically in all the lace making machines of the country. Do those four

different machine manufacturers substantially make the same s
of machinery?

A. In a measure to be sure. Some change, some improvement.

Mr. EPPLER:

Q. Are there any machines that are made in England by a
machine making firms of which you can control the sole output?

A. I do not quite understand the question.

(Stenographer reads last question.)

Q. Have you the sole right for any particular kind of machin
that are made in England for the purpose of making laces?

A. No, I have not.

Mr. PADDOCK:

Q. Mr. Lesser. On how many occasions did you talk with Pete
Pearson regarding employment in this country, before he came
here?

A. Well, I don't quite understand this question either. I told
you how many times we met in Nottingham. If you ask me the
question which in particular, why I will answer it.

Q. I ask how many times did you talk with Peter Pearson re-
garding employment in America?

A. I didn't talk to him regarding any employment in America.

Q. Well, you testified that he asked you——

A. Well, that's a different question. He asked me how things
were in America, and I told him very good; yes.

Q. You have had some difficulty in getting men for your factory,
have you not?

A. I do find difficulty here.

Q. You had to advertise?

A. I advertised; yes. We advertised where—did you ask me
where?

Q. No; you stated in your affidavit?

A. Right.

111 Q. Did you mention to Mr. Pearson of the difficulty of
getting men here?

A. No, sir. Not in the month of November, 1903.

Q. You had some conversation with two men, who asked you to
pay their passage to this country?

A. Yes, sir.

Q. Do you recall the names of those men?

A. No, I do not. I never—I don't know them—I never was in-
terested enough to remember the names.

Q. Did you mention to Peter Pearson our contract labor laws?

A. No, sir.

Q. Never said anything?

A. Not as far as I remember; I really don't remember that.

Mr. EPPLER:

Q. But you might have?

A. Don't say.

Q. Will you say you did not?
A. I can't remember it.
Q. Will you state you did not?
A. I would not say not.
Q. You will not deny that you ever spoke to him on our Contract Labor law?
A. As far as I remember, I am safe to say I never spoke to him.
Q. You wouldn't be positive enough to swear to that effect?
A. I wouldn't swear to a thing as a fact unless I was quite positive.
Q. Exactly.

Mr. MOLER:

Q. You know, Mr. Lesser, the particulars of the Contract Labor Law, do you not?
A. Not altogether. I know there is such a thing as against bringing in labor what is called Contract Labor Law; but of the particulars I do not know.

Mr. EPPLER:

Q. How long have you known of the existence of that law?
A. Oh, I don't know. Of course I read the papers. Probably for a great many years.

Mr. MOLER:

Q. In the employment of labor, have you never had occa-
112 sion to investigate the operation of the Alien Contract Labor Law?
A. No; never any occasion.
Q. You advertise for employees for your factory?
A. I advertise. We built a factory in this country. I advertised for help, of course; of course up to that time we have had no occasion for it.
Q. Have you had difficulty in employing a sufficient number to run your machines and do your work?
A. Yes. At present we have difficulty in getting help we require.
Q. Did you advertise in this country and the old country as well?
A. No; in this country. In more than one paper.
Q. In more than one paper. Never did advertise on the other side?
A. On the other side, no.

Mr. WEIHE:

Q. How many machines do you run in your establishment?
A. We have built for thirty, but we haven't got as many in the place now. There are nine about that make goods. The tenth will be finished, and there are three more waiting to be erected. There is another one on the way there. Coming in every month or so.
Q. How many persons do you employ at present?
A. A little over two hundred.
Q. How many weavers?
A. Well, we have got—I don't really—I don't think there are more than twelve or fifteen; I don't know exactly. Don't know how we stand there. Haven't been there now in two weeks.

Q. What is the nationality of those you have, expert as weavers?
A. Well, I don't know. I think there are some Americans. There are some Englishmen. Of course, the nationality of all the weavers, ninety per cent. in this country are Englishmen. Go to Philadelphia, to Wilkesbarre, go everywheres.

Mr. EPPLER:

Q. We were speaking of your place.

113 Mr. WEIHE:

Q. In your place?
A. Americans as well as Englishmen.
Q. Those Americans you have, did you get them from your other establishments or gather them up wherever you could?
A. Out of other establishments.
Q. What are the wages paid to weavers?
A. Whatever they make. There is a scale of wages paid by piece, so much per rack. We pay as well as they pay in any other factory.
Q. What do you pay your weavers?
A. Same price.
Q. What is that price?
A. I don't know exactly from memory. Each machine has a scale. I can't tell you exactly every scale of wages. Number six so much, seven so much. That is so complicated. A good weaver will make more money than a bad weaver.
Q. Do you pay by the day or week?
A. When they got machines they are employed by piece. When they do helping or tying up a machine—it takes so many weeks to get goods ready, that is to pack them. In a week they make up the wage as fifteen dollars a week, as long as they haven't got machines to work. If they got machines, they work piece work.
Q. Did you ever have any difficulty about wages in your place?
A. No.
Q. You say you do not know what the prices are in other factories similar to yours?
A. I do know, but I do not know by heart. We have got to take the union scale of wages and the pay goes by that.
Q. These men you employ there now. In a general way they have been there since the factory started?
A. Well, some of them have been there since the factory started. I don't know exactly which men or length of time. I have been away a good deal myself.
114 Q. When you started the machines, did you start them first, when you opened, how many did you start at once?
A. Well, they came about one a month. I wasn't here. They start about one a month. I think four or five started at the same time.

Mr. EPPLER:

Q. At the same time?
A. Yes. I am not quite sure. When a machine arrives in the country it takes about three months before it can make goods.

Q. Did you at any time advertise here in New York, or in Philadelphia for people?

A. Oh, yes. Very poor results.

Q. When you had machines ready, did you always have some one to take them?

A. No; very poor results from our advertisements, as far as I know from our treasurer, Mr. Parker. He is editor of a newspaper up there and president of a savings bank. He is treasurer of our company. He has done advertising. He has been in the newspaper business. He told me no answers. Those we got to answer we got up there. Some stayed a little and left and some are there yet.

Q. Don't you think that as that is a good place for living, everything up there so cheap, it would be pretty well known throughout those other factories, if you paid the same wages, don't you think that would induce them to come over?

A. Mr. Commissioner, I wish it strictly understood the "if" is not necessary; we do pay the same wages. The reason why it is hard to get men up there I couldn't tell you. As I said before, our competitors say we freeze. Thirty below zero. Snowed in for six months. All this sort of thing is bringing to bear against us that these weavers know and the weavers will not come. A weaver wants to stay where he will find his own people there. He wants to stay in a city like Philadelphia, where he gets everything, special amusement and all other things. And it is pretty hard. I don't know why it is. The particular reason, except that it is in New York. Gentlemen, that is the only reason. I don't know why they don't come.

Mr. TREADWELL:

Q. Is it a fact that those in the neighborhood up there haven't anything to do with the difficulty of getting labor?

A. Decidedly. We can't get labor in the vicinity. There never was any lace making in the vicinity, and the people in the vicinity do not know anything about it.

Q. Mr. Lesser, is it true that a large number of weavers collect in Wilkesbarre?

A. Oh, yes, I should say so. They have a good many associations together there.

Q. Therefore, isn't it a more attractive place for a weaver to go to Wilkesbarre than Gouverneur?

A. Decidedly so. I have heard from the information we get, from good reliable sources, there are plenty of machines standing idle in Philadelphia and in Wilkesbarre for want of weavers and operatives. Plenty to do. Standing idle.

Mr. PADDOCK:

Q. Is that known in your factory?

A. Known in our factory? I don't know. There are many, many in the factory yet, standing idle. Want to get more; God only knows what we shall do.

Mr. EPPLER:

Q. You were up there, I think, about three weeks ago?

A. I am not quite sure. The day I made the statement to Mr. Scarlett; that day.

Q. That was on the eleventh?

A. That's the day.

Q. How many looms do you now have working?

A. At that time there were nine.

Q. How many looms were actually running?

A. Seven were running. That is, they were not running on what we call full time. We had to divide up and give them day work, instead of going day and night as all factories must do

116 Q. And there were two idle?

A. Two idle.

Mr. NEARY:

Q. The others couldn't work full time because you hadn't the help enough?

A. They work full time when you employ men day time, a gang working day and night. When you haven't got men the machines stand idle at night.

Q. That's what I want to ask, for want of help?

A. The machine does not work full time. We must work day and night to work those machines up, because they cost so much.

Mr. EPPLER:

Q. I would like to ask you, Mr. Lesser, the last time you went to Europe; when did you leave the United States?

A. I don't know.

Q. Well, about?

A. I think the end of September.

Q. In September, nineteen hundred and three?

A. Three, yes. October or November, beginning. I don't know.

Q. How long did you remain over there?

A. I got back the early part of December.

Q. Do you recollect about the date?

A. Really I don't know; remember the landing date.

Q. Do you remember the day you sailed?

A. It was the middle of December, somewhere around the ninth, tenth or eleventh.

Q. Do you remember the name of the ship?

A. Yes, I know the name of the ship, the "Kronprinz," from Bremen.

Q. Where did you board the ship?

A. I boarded the ship at Southampton.

Q. In the month of December?

A. In the month of December.

Q. When you were on the other side during that trip, how long a time did you spend in Nottingham, to the best of your recollection?

A. Well, I was there when I landed from New York. I went there to Nottingham and I stayed there, I should think, about two weeks.

117 Q. During that stay, did you see Mr. Pearson?

A. I did.

Q. Did he call on you?
A. He called on me.
Q. Was he still in business?
A. Yes, sir.
Q. Was he a manufacturer of laces?
A. Yes, sir.
Q. Did he sell you any goods?
A. No, sir; I wasn't buying any goods.
Q. How often did you see him during that stay of two weeks?
A. I don't think I saw him more than once or twice—not more than twice.
Q. Did he discuss the question of coming to America with you?
A. He said things were not so good in Nottingham and that he had an idea to sell out and go to America, that he might do better over there. As I said before, I said that things in America were very good.
Q. After those two weeks you went to the Continent, you say?
A. Yes, sir.
Q. When did you return to Nottingham?
A. Just a short time before I sailed.
Q. How long did you remain there before sailing?
A. Well, I don't remember exactly; a few days, not very many.
Q. Did you see him again during that stay?
A. I did.
Q. How many times?
A. Once.
Q. Only once?
A. Yes.
Q. How long prior to your sailing?
A. That I couldn't tell you. I don't know exactly.
Q. You sailed just a couple of days after having the interview with him?
A. I don't say that. I don't know exactly.
Q. How long did you stay in Nottingham?
A. I couldn't tell you to save my soul.
Q. Was it a week?
A. It might have been a week.
Q. Was it two weeks?
A. I don't remember.
Q. During that second visit to Nottingham, you saw him only once?
A. Only once as far as I can remember.
118 Q. Did you discuss at that last interview with Mr. Pearson about his coming to the United States?
A. Nothing more than I said.
Q. Was it discussed again?
A. I asked him how he was getting on, whether he has got his machines, whether he is doing better. He said, no, things are not much better, and as there is a decided falling off on this side he may sell out and go to America.
Q. Do you know the kind of machines he had?

A. I know they were curtain machines; what kind I do not know.

Q. Ever see them?

A. No, sir.

Q. Did you ever find out he had a brother in the same line of business?

A. What line of business?

Q. That he is in?

A. No.

Q. Did you ever know that he had a brother in that business?

A. No.

Q. You never knew of any other Pearson outside of himself?

A. No, I never knew he had brothers. Why, he told me he had one in Wilkesbarre.

Q. When did he tell you that?

A. While that conversation—in the end of December.

Q. In Nottingham?

A. In Nottingham.

Q. That was the only brother you ever heard of?

A. Yes, sir.

Q. You never knew he had a brother named Enoch?

A. Never knew it.

Q. Now, Mr. Lesser, you are an American citizen, are you not?

A. I am.

Q. How long are you cognizant of the provisions of the Alien Contract Labor Law?

A. I don't know.

Q. Do you know of the existence of such a law?

A. I do.

Q. How long have you known that fact?

A. Oh, I don't know that.

Q. Have you known it five years; have you known it ten years?

A. I couldn't tell you how long I have known it. Every day something comes up in the papers; a man reads the news——

1137 Q. Now, Mr. Lesser, you are an intelligent man, and you are able to answer this question, instead of evading it?

A. I am not evading it.

Q. You do. You know that there has been an immigration law, in which the importation of alien contract labor is punishable against the law, do you not?

A. I said I know there was such a law in existence.

Q. How long do you know that, to your certain knowledge?

A. I couldn't tell you how long I know it.

Q. Have you known it thirty days?

A. More than that.

Q. A year?

A. I should think so; more.

Q. Two years?

A. Probably.

Q. Three years?

A. I don't know. It might have been years; I don't know.

Q. Two years ago you knew it?

A. I don't know so to the actual time, only I could know by reading it in the newspapers. I couldn't tell you. I might have known it for ever so long. I—I tell you I read the papers three times a day, and things come up, and in a year from now I wouldn't know what I read in them.

Q. Did you ever discuss the Alien Contract Labor Law with any one in connection with the lace business? (Question repeated by stenographer.)

A. I did.

Q. With whom?

A. With a couple of men in Nottingham that came to apply for a situation.

Q. What was the nature of that interview?

A. They said they wanted to come out to America to look for a job; they knew me to be there. Why, I said, that ends it, I can't do anything for you. It is against the law to take out anybody, or pay his way, or encourage him anyway.

Q. How long ago was that?

A. My last trip to Nottingham.

Q. During your first or last visit there?

A. I think it was during the early part of the fall.

120 Q. You think when you first arrived there?

A. I couldn't say. It was during my visit to Nottingham; whether it was the first time or second time I don't know.

Q. Did that ever occur prior to that, the same nature and circumstances?

A. I don't know.

Q. To your recollection?

A. I did not say so.

Q. Did you have any applications on a previous visit, prior to your last trip to Europe, for positions in that line of yours?

A. I don't remember. I don't think so. I am not sure of that. In fact I think not.

Q. When were you in a position to first begin to make inquiries for help for your factory at Gouverneur?

A. At Gouverneur?

Q. Yes, sir.

A. We have been employing people at Gouverneur since last May.

Q. Since this last May?

A. Yes, sir.

Q. When did you begin to make inquiries as regards weavers and loom operatives?

A. We have inquiries with people all summer long.

Q. Last summer?

A. Yes; through those sections where lace makers are to be found.

Q. What position does Mr. Thompson hold in your employ—in the company out at Gouverneur?

A. Mr. Thompson has been shipping clerk.

Q. Where?

A. He has been in New York. Now he is up there.

Q. How long has he been permanently employed at Gouverneur?
A. Since he went up there.
Q. When was that?
A. With the people; I don't remember the day.
Q. Oh, since he went with them. Prior to that he was stationed in your office in New York?
A. Yes, sir.
Q. How long has he been in your employ?
A. A good many years.
Q. Have you opened the lace works up there?
A. Oh, yes.
Q. How long has Mr. Auverson Stevens been in your employ?
A. I don't know the exact date. It was last spring, I think, he started in.
121 Q. He started in before you started to make lace on the looms?
A. Yes, sir.
Q. How long before that?
A. A good many months before.
Q. How many months, do you know?
A. Well, I don't know exactly; I really don't know exactly the months. It might have been four, five, or six months; I don't know exactly.
Q. Prior to your starting the looms—prior to your making lace?
A. Looms are started before they make the lace.
Q. I mean to say starting making lace?
A. Yes, that's it.
Q. Did you have any weavers in your employ prior to starting to make lace?
A. Prior to starting to make lace?
Q. Yes.
A. Tying up machines.
Q. Has Mr. Stevens been in your employ ever since?
A. Yes, sir.
Q. What is his nationality?
A. English.
Q. He is an Englishman?
A. Yes, sir.
Q. How long has he been in this country?
A. I don't know exactly; about a year or so.
Q. About a year?
A. Probably; I don't say whether it is a year or not.
Q. Had he ever been working with any other lace concern in the United States before he worked for you?
A. He was in Boston before.
Q. Did he ever work for any other?
A. Yes, in Wilkesbarre.
Q. When?
A. More than a year.
Q. Then did he leave his employment in Wilkesbarre and come direct to you?
A. No.

Q. What did he do?
A. Went back to England as far as I know.
Q. After his return to England he came back to this country nd entered your employ?
A. After he returned to England I don't know how long he ayed there.
Q. He didn't work for any other lace concern in this
22 country after he left Wilkesbarre and returned to England until he entered your employ?
A. No, he didn't return to Wilkesbarre. Except to work for us.
Q. You are president of the company, you say?
A. I am.
Q. What position does your brother hold?
A. Vice-president.
Q. The treasurer is?
A. Mr. B. A. Parker.
Q. Who is secretary?
A. My son.
Q. Where is his office?
A. In Gouverneur.
Q. Lives up there all the time?
A. Yes, sir.
Q. Has your brother his permanent residence up there?
A. Yes, sir.
Q. Since you have opened these lace factories up in Gouverneur, ave you ever employed any people at all?
A. What do you mean; did I, personally?
Q. Did you ever engage any one to work in that factory at all?
A. No; engaged, not what you may call an engagement.
Q. Did you ever give any one employment?
A. No, I do not bother myself about it. I leave it to the heads f every department. A man applies for a job in the bleachery de- artment, and I send him to that head man, or to the loom depart- ent, and so on.
Q. How many departments are there in your factory?
A. A good many.
Q. How many?
A. I should say a dozen.
Q. How many heads of departments?
A. Each department has a head.
Q. You have a dozen heads?
A. I didn't say a dozen heads.
Q. How many?
A. I will count them up, if you will let me (figures on slip of aper). I have eighteen down I can remember.
Q. Eighteen heads?
A. Yes, sir.
Q. Each department has its own head?
A. Yes, sir.
Q. Any of those heads of departments control two branches?
(Question repeated.) A. No, only one.
23 Q. Each one has his own?

A. Each one has his own.
Q. How long do you know Mr. Stevens, Mr. Lesser?
A. Oh, I have not known him very long. A short time, perhaps two years or more. Three years or thereabouts.
Q. When did you first meet him?
A. Over there.
Q. In England?
A. In England.
Q. What was he doing then?
A. He was foreman there.
Q. In a lace work?
A. In a lace machine shop.
Q. How often did you see him over there?
A. Several times. I had negotiated with his people to buy a machine.
Q. With his people?
A. His firm. He was always called in by his principal and consulted on the makes and so forth.
Q. What year was that in, do you remember?
A. What year?
Q. Do you remember when that was?
A. More than two years.
Q. How much more?
A. Probably two years and a half or so.
Q. Where did you next see him?
A. I saw him in New York next. I saw him a good many times over there, you know.
Q. When did you see him in New York?
A. Last spring.
Q. Last spring?
A. Yes, sir.
Q. Now, how long an interval occurred between the time you refer—when you saw him in England and last spring when you saw him in New York?
A. Probably a few months. Five or six months or thereabouts.
Q. How long had he been in America when you met him last spring?
A. I couldn't say exactly.
Q. About?
A. He wasn't here very long.
Q. A few days?
A. A few days; yes, sir.
Q. You saw him at your office?
A. Yes, we were then in Broadway.
124 Q. But four or five months prior to that he was in Nottingham, where you had seen him?
A. Yes.
Q. What was he doing in Nottingham?
A. Foreman in a machine shop.
Q. Had you ever met in the United States before that?
A. No.

Q. What?
A. No.
Q. Did you ever know of his being in the United States before?
A. Yes, sir.
Q. When was he in the United States before that, to your knowledge?
A. I know he was in the United States. I knew it all the time; I know that he had been in the United States.
Q. How long had he been here?
A. I don't know; I think a year or so.
Q. When did he return to England?
A. I don't know, or exactly. I wasn't sufficiently interested to know.
Q. Do you know? Do you, when?
A. No, I don't know.
Q. Ten years back?
A. I couldn't tell you.
Q. Do you know what he was doing when he was here before?
A. Yes, he worked for some firm in Wilkesbarre. For one lace making establishment there.
Q. During that stay you speak of, had you met him?
A. No.
Q. Never met him?
A. No.
Q. Only met him after he returned to England and was working in this lace machine shop?
A. Yes, sir.
Q. And subsequent to that you met in your office?
A. Yes.

Mr. TREADWELL: Mr. Chairman, I haven't had a word to say. I see these alien immigrants here. I can't see for what possibility, after this matter has been gone into so long, it concerns these persons, the aliens, and their rights in this country. I do not dispute for a moment the widest range of cross-examination to test
125 the witness on any other subject as to his credibility. It seems to me we have gone over the same discussion when he was here. I do not see what it has got to do with whether these people were ineligible to come to this country. As to Mr. Stevens, the question of Mr. Stevens coming to this country, the examination has proceeded to the greatest length about Mr. Stevens. I do not wish to curtail it at all, but it does seem to me we are getting away beyond the range of these immigrants.

Mr. EPPLER: Under the laws and practices of the United States Immigration Laws, I am not exceeding my limit at all.

Mr. TREADWELL: Then I wish to say——

Mr. EPPLER: I intend to pursue this question until I am satisfied as to the correctness of the witness's statements.

Mr. TREADWELL: There is no doubt of the right to pursue the right cross examination to show his credibility, but it does seem to me that even under any law that ever was passed in this country, or any other, that there is a reasonable limit to a proceeding, that we

may have gotten away from the inquiry which is before us now. If there is any definite proposition with regard to Mr. Stevens bearing upon this proposition, I make no objection. I simply enter my protest on the record to the matter going beyond any reasonable length. It seems to me it has gone beyond that length. I do not mean to infer any objection to his being asked further. I do respectfully call the attention of the Board, if we haven't gone as far on the subject of Mr. Stevens; it concerns him, nothing to do with the aliens before the Board.

126 Mr. MOLER: It has been the practice of this Board to give the widest latitude to all these difficult cases, in fact with peculiar liberty to the alien. So far as to the objection raised to the questioning by any member of this Board, there never has been any rule laid down by the Government, or as to the methods of the examination. The chairman of a Board has no control over the action of any member of the Board, that is as to his individual action and questioning. Any member has the right to go as far as he deems proper in that investigation.

Mr. TREADWELL: I did not expect to make a legal objection; I simply called attention that it seemed to me a polite question, without any objection. I protest it has been pursued a great ways further than any wide latitude would call, in regard to this man Stevens, so far as these alien immigrants were concerned.

(Examination of witness continues.)

Mr. EPPLER:

Q. Did you, during your stay on the other side, have any business relations with Mr. Stevens?

A. No. No business relations.

Q. Any conversation with him as to his coming to the United States?

A. Not probably so.

Q. Will you state that you did not have?

A. Well, it depends what you may call a conversation.

Q. In regard to his coming to the United States in his professional capacity?

A. Not directly; no.

Q. Indirectly?

A. Not even indirectly. Not with him. I never had any such conversation.

Q. Did you have any conversation about coming to the United States at all under any condition?

A. Not as I can remember. He probably thought to come.

Q. Did he ever mention that to you?

Q. Not as I remember.

127 Q. Will you declare that he did not?

A. Well, I don't know. I could declare he never said anything to me about it. He might have said something; I don't remember.

Q. Did Mr. Stevens, since he has been in your employ, ever speak

to you regarding any friends on the other side? Did he now?
A. No.
Q. Did you ever consult him and ask him?
A. No.
Q. Did you know whether he was acquainted with any friends on the other side?
A. I do not know. I do not know that he has, as a matter of fact.
Q. Has been?
A. I don't know he has been. Never came into his line of business.

Examination of Witness closed.

PETER PEARSON, recalled, testified:

Mr. PADDOCK:

Q. Did you say to any one before your departure from England that you were going to Gouverneur, New York?
A. No.

Mr. MOLER:

Q. You never made the statement then, Mr. Pearson, to any person in England, before you sailed to this country, that your destination was Gouverneur, New York?
A. My destination was New York. I never said I was going to Gouverneur. I might have said I would call on Mr. Lesser. I might go to Wilkesbarre.
Q. That isn't the question, New York or Wilkesbarre?
A. I never said any such thing. I booked here; but during my business career I met many American gentlemen, that is both——

Mr. EPPLER:

Q. Confine yourself to the question?
A. It pins you down; you create a wrong impression.

Objection made by Mr. Eppler. Evasion.

128 Mr. MOLER: That's all. Sit down.

ENOCH PEARSON, recalled, testified:

Mr. MOLER:

Q. Did you state to any person in England where you were going?
A. No, sir.
Q. Were you asked your destination?
A. Mr. Arthurson (?) said where are you going to. I told him I was coming to America with my brother.
Q. You didn't state your destination?
A. No, sir.

Mr. PADDOCK:

Q. Before sailing, when you were in Liverpool, did you go to the steamship company office?

A. I went with my brother. I waited outside, while my brother——

Q. Did you state, while you were in Liverpool, to any one that you were going to Gouverneur, New York?

A. No, sir.

Mr. EPPLER:

Q. (To Peter Pearson, recalled.) Did you purchase your tickets in Nottingham or in Liverpool?

A. I sent for my tickets; money to the Cunard Line in Liverpool.

Mr. MOLER:

Q. Did you write a letter to the Cunard Line at Liverpool for your tickets?

A. From Nottingham to Liverpool.

Q. Upon which the tickets were issued?

A. Schedule was sent.

Q. There was a schedule sent for you to fill out?

A. Yes.

Q. A statement?

A. Yes. Where I came from, my age, native——

Q. You filled it out?

A. Yes.

Q. In your own handwriting?

A. Yes, sir.

Q. For yourself alone?

A. My brother filled his.

129 Q. Then you made no further declaration in Liverpool?

A. No, sir.

Q. Did you go to the steamship agent's office?

A. I went to get a draft, and——

Q. Your stateroom was sent to you in that letter that you wrote before?

A. Yes.

That's all.

Mr. EPPLER:

Q. When you wrote to the agent in Liverpool from Nottingham, what did you receive in Nottingham?

A. I received this schedule and tickets.

Q. Anything else?

A. Received the tickets for the luggage with the other tickets.

Q. Did you receive a blank to be filled out?

A. Yes, a schedule.

Q. A schedule with different questions; occupation, destination and so forth?

A. Yes, that is so.

Q. Then you filled the words in on the blank?

A. Yes.

Q. Did you fill them out yourself?

A. Yes, sir.

Q. In your own handwriting?
A. Yes, sir.
Q. Did your brother fill out his, to your knowledge?
A. Yes.
Q. And you returned them by mail to the office?
A. Yes, to the company.

Mr. MOLER: Gentlemen, if there is no further witness to be called the case is closed, as far as taking any evidence is concerned.

(Mr. Eppler wished to ask Mr. Lesser further questions.)

Witness, J. S. LESSER, recalled.

Mr. EPPLER:

Q. Do you know Edwin Roberts?
A. Yes, sir. He is in our employ.
Q. How long has he been in your employ?
A. I don't remember exactly.
130 Q. About?
A. A few months.
Q. Is he in your employ longer than the Pearsons have been?
A. I don't know. I think so.
Q. Do you know how long?
A. I don't know the exact time. It is several months I know.
Q. Did he ever work for any concern in this country before he worked in your factory?
A. Not to my knowledge.
Q. Does Mr. Wyld work for you?
A. Yes, sir.
Q. Does Mr. William Gane work for you?
A. Yes, sir.
Q. How long?
A. I don't know just exactly. I think it is a month or two. I don't know the exact time.
Q. Did they start to work for you before or after the beginning of the Pearsons' engagement with you?
A. I couldn't say, really. I don't know whether they started before or after.
Q. Do you know whether they have worked in any lace work in the United States before?
A. I don't know.
Q. Do you suppose you would have known it if they had?
A. I don't know whether I would. The best reference for a lace man to get work in any lace factory is his experience. That is what we require. If a man comes and says he has been twenty years, naturally we are satisfied.
Q. One moment. To your knowledge they never worked in this country before?
A. No, it is not to my knowledge. I don't know. In fact I never asked them.
Q. But they do work for you?
A. Yes, they do work for me.

(Close of re-cross ex. of J. S. Lesser.)

(Attorneys for aliens stated they would consume about 15 or
minutes for their argument, and preferred to wait until after lunch

Adjourned for lunch at 12:10.

131 Re-convened at 1 o'clock.

(Attorneys for aliens conversed with Board in regard to manife
sheet on which appeared the names of the three aliens in this ca
marked "Exhibit H," which conversation the stenographer was
structed was not for the minutes.)

Mr. PADDOCK: I offer in evidence certificate as to the landing
the alien, Peter Pearson, dated March thirtieth, 1904, signed
William E. Junker, Chief of the Statistical Division, Ellis Islan
also similar certificate for the alien, Enoch Pearson, and a simil
certificate for the alien, John Wakefield. These three certificat
marked "E," "F," "G."

I withdraw this certificate as to John Wakefield—"G." (Copi
of "E" and "F" appended to these minutes.)

Mr. Treadwell here addressed the Board on the matter of a
alleged discrepancy on the manifest sheet (Ex. "H"), which addre
he requested not be taken.

Mr. MOLER: Mr. Treadwell objects to the manifest (Exhibit "H
on the grounds that the handwriting in column sixteen in bracket
of Peter Pearson, visit to Gouverneur, New York State, and h
brother, bracket, Wakefield in same bracket. After the name
Wakefield in column sixteen, the words, bracket, "No address," a
written. I understand the objection of Mr. Treadwell to the manife
is he contends that the "Visit to Gouverneur, New York State,"
written by a person different from the one who wrote the name, i
column number two.

Mr. TREADWELL: I claim it is written in a different handwriting
different to the other writing in connection with said Pearson.

There is a question, gentlemen, I want the Board to as
132 each of the three witnesses, a specific one: that the item wa
asked of them and entered by the steward on board the ship
That is all I want to ask them.

Mr. MOLER: That is fair.

Alien, JOHN WAKEFIELD, recalled.

Mr. TREADWELL:

Q. Were you asked by any one, and if so, by whom, on board
the ship in which you came to this country, to give your destination?
A. I was.
Q. By whom?
A. The chief steward.
Q. Did he have any paper with him at the time?
A. Well, one similar to that (Ex. "H").
Q. What did you tell him?
A. I was going to New York.
Q. Did you give any further address?
A. No, I was——

Q. Did you tell him you were going to Gouverneur, New York?
A. I did not.
Q. Did you ever tell anybody that prior to sailing?
A. No.
That's all.

Cross-examined.

Mr. EFFLER:

Q. Did you see him make any entry on this manifest?
A. Yes.
Q. What was it?
A. He wrote it out on the table.
Q. Did he write the whole of it, all the way across?
A. I believe so, I won't swear to it.
Q. Did you see him?
A. I was aside of him.
Q. Did you see him write this manifest, on line 15 on which your name appears?
A. I won't swear I did see him write it.
Q. Did you see any one else write it?
A. No.

133 Alien, PETER PEARSON, recalled.

Mr. TREADWELL:

Q. Were you asked by anybody on board ship, where you were going in New York?
A. On board ship, the steward on one occasion had a manifest similar to that I should say (Ex. "H"); then he asked, as far as I could see, all the passengers; he asked me, and I told him I was going to New York. Said what address. I didn't say what address. I had the address of a hotel in New York but forgot it. I could find it. He said that wouldn't do. I must give some address. I told him I was going on a visit to this country and I really didn't know where I should go. Go several places. Wilkesbarre. Might go to Philadelphia, might go to Gouverneur. He said you might sit there. I didn't know what he intended to do.

Mr. EFFLER:

Q. Was the blank manifest made out in front of you?
A. As far as I could judge all names were filled in the last column. It was similar to what that might be there (Ex. "H").
Q. The way it is now?
A. As far as I could judge.
Q. Did you see him write anything?
A. No. I don't know, remember.
Q. Did you see him make an entry?
A. I saw him make an entry.
Q. Did you, which?

A. I couldn't point to it. I don't know what other paper he had before him.

Q. You were there, you said?

A. I stood there.

Q. He questioned you?

A. He asked me where I was going.

Q. Did he write anything on this sheet, that were the answers to his questions, yes or no. Did you see him do it?

A. He made an entry.

Q. What entry did he make?

A. I couldn't tell you. He asked me those questions.

134 Q. You say you saw him, what entry did he make?

A. Those there to the questions he asked me?

Q. Are you prepared to swear that he did make an entry in your presence on this particular sheet, where your name appears?

A. As far as I can see he made an entry.

Q. What entry did he make?

A. I don't know.

Q. You ought to, you say it struck you as funny.

Mr. TREADWELL: He didn't say that. He said he didn't know.

Mr. EPPLER:

Q. Are you prepared to swear that the purser or steward on board the ship, entered this part of it on the manifest, in your presence?

A. As far as I can see.

Q. Look at it, yes or no.

A. I don't know.

Q. Did you see him make any particular part of this entry, yes or no?

A. He made an entry.

Q. Are you prepared to swear he made any particular part?

A. No.

That's all I want to know.

Mr. MOLER:

Q. Where were you when the steward approached you with the manifest, either this sheet ("H") or one similar?

A. In the saloon.

Q. Did he have more than one sheet?

A. A sheet like that.

Q. One sheet as you remember?

A. Yes, sir.

Alien, ENOCH PEARSON, recalled.

Mr. TREADWELL:

Q. While on the ship, coming to this country, were you asked by any one, and if so, who, to give your destination, or any question?

A. No, sir. I was with my brother. He did all the speak-

135 ing. We both in the room together. He did the talking.

Q. Were you present at any time, when he was asked by any one where you were going?

A. Yes, sir.
Q. Who was it?
A. The steward; the head steward, I think.
Q. Did they have any papers with them?
A. Yes, one of them (Ex. "H").
Q. One of these ("H")?
A. Similar to that (referring to Exhibit "H." Manifest sheet, list D, steamship "Etruria," dated New York, February 1, 1904).
Q. You say that the chief steward of the second cabin presented this to you?
A. Yes, sir. Presented it, not to me myself.
Q. Well you were with your brother?
A. Yes, he did write on a sheet of that kind.
Q. About how long before you landed in New York did he make his appearance with that sheet?
A. On the third or fourth day out from Liverpool.
Q. Did you pay any particular attention, where he had more than one sheet, or just one sheet?
A. Seemed to me to have all the passengers in a row.
Q. Did you see more than one sheet; did you see any more than one sheet of this kind?
A. I couldn't say as I did.
Q. You don't remember?
A. No, sir.

Mr. EPPLER:

Q. Did you see him write anything on that manifest?
A. Who, sir?
Q. The chief steward?
A. Yes, sir, I saw him write.
Q. What did he write; point it out? (Ex. "H" put before him.)
A. Can't point it out.
Q. You say you saw him write; point it out?
A. I wasn't near enough for that. I was with my brother and thought he would do that, seeing I was coming with him.
136 Q. You are prepared to swear now that the chief steward of the second cabin filled this out on the passage over?
A. Yes. (Peter Pearson from settee) No.

Mr. EPPLER: We want no prompting.
Mr. TREADWELL: But yet I say one thing. The question, I say to you again, gentlemen, why you put the words into his mouth. I want——
Mr. EPPLER: I will let you do the asking.
Mr. TREADWELL: I would like to ask a question when you get through.
Mr. EPPLER: I simply want this man to answer the question. He says the chief steward wrote this manifest. His brother was not able to say so.
Mr. TREADWELL: You ask him question pretty quick, "write it." I don't believe he could do that. Why he said he saw writing, but

he didn't say he saw him write them. My impression is he hasn't mentioned the chief steward. I would like to have you ask that.

Mr. MOLER:

Q. You said the chief steward of the second cabin?
A. The steward, he appeared to have——
Q. Appeared to be superintending the other stewards?
A. Yes, sir.

Mr. TREADWELL: The question has been put into his mouth two or three times, not intentionally.

Mr. MOLER:

Is there anything further to ask him.
I think it's proper and right to have Mr. Junker testify in regard to the certificates he has made.

137 Mr. WILLIAM E. JUNKER, Chief of Statistical Division, Ellis Island, testified (sworn officer):

Mr. MOLER:

Q. You recognize this manifest do you?
A. I do.
Q. Now, on line thirteen, Peter Pearson, visit to Gouverneur, New York State, and on the lines coming under that, number fourteenth, Enoch Pearson, in column sixteen, left blank; and the name below that of John Wakefield, on line fifteen, the words "No address" are written. What is your interpretation, as Chief of the Division of Statistics, Immigration Bureau, Ellis Island, of the words "No address," following opposite to Gouverneur, New York.
A. My opinion is that this bracket applies to all three men, that they are going to visit Gouverneur, New York State.
Q. And by no particular address there, you mean, street and number?
A. Yes, sir.
Q. Is it the construction in your department, where words no address after a city or town are given, mean to imply?
A. No street or address.

Mr. PADDOCK: I think the manifest speaks for itself.
Mr. TREADWELL: I think so.

Q. Your construction is that the bracket covers the three names, Peter Pearson, Enoch Pearson and John Wakefield, is it?
A. Yes, sir.
Q. If this is so, why was the words "No address" repeated after the line on which Enoch Pearson's name appears and not upon John Wakefield?
A. I couldn't answer that. I didn't write it.
Q. If the brackets covered them all, what was the necessity of repeating the words "No address," on the line in which John Wakefield's name is written?
A. Well, I couldn't answer. Because I didn't write it.

Mr. TREADWELL: I make the proposition that the manifest speaks for itself. (Mr. Treadwell further stated he would present
138 his argument in writing before Board had reached its decision.)

Mr. MOLER: The case is closed for the present time.

(Relieved by Downing at 1:50.)

J. A. RYDER,
Secretary.

Copy.

EXHIBIT E.

Certificate as to Landing of Alien.

(To Accompany Application for Warrant of Arrest.)

Department of Commerce and Labor.
(Immigration Service.)

MARCH 30, 1904.

I hereby certify that I have examined the records of the immigrant station at Ellis Island, N. Y. Harbor, with reference to the landing or entry of Peter Pearson, an alien immigrant, and that the following facts relative to such landing or entry are disclosed by said records:

(1) Name of alien, Peter Pearson; age, 44 y.; sex, male.

(2) Native of England. Destination, "Visit to Gouverneur, N. Y. State" (F).

(3) Exact date and port of arrival in the United States, February 1st, 1904. New York.

(4) Name of vessel, "Etruria" (2nd cabin). (If alien arrived via Canada or Mexico, so state.)

(5) Country whence alien came, England.

(6) Whether inspected at time of arrival. Yes. (Held for S. ; Admitted later.)

(Signature) WM. E. JUNKER,
(Official title) *Chief of Statistical Div. F.*

139 Copy.

EXHIBIT F.

Certificate as to Landing of Alien.

(To Accompany Application for Warrant of Arrest.)

Department of Commerce and Labor.
(Immigration Service.)

MARCH 30, 1904.

I hereby certify that I have examined the records of the immigrant station at Ellis Island, N. Y. Harbor, with reference to the record of

the landing or entry of Enoch Pearson, an alien immigrant, and that the following facts relative to such landing or entry are disclosed by said records:

(1) Name of alien, Enoch Pearson; age, 34 yrs.; sex, male.

(2) Native of England. Destination, "Visit to Gouverneur, N. Y. State" (F).

(3) Exact date and port of arrival in the United States, February 1st, 1904. New York.

(4) Name of vessel, "Etruria" (2nd cabin).

(5) Country whence alien came, England.

(6) Whether inspected at time of arrival. Yes. (Held for S. I. Admitted later).

(Signature) WM. E. JUNKER.
(Official title) *Chief of Statistical Div. F.*

All other exhibits were copied in connection with minutes of previous hearing, i. e., March 29, 1904.

JOHN A. RYDER,
Secretary.

140 In the matter of Aliens PETER PEARSON, ENOCH PEARSON and JOHN WAKEFIELD.

STATE OF NEW YORK,
County of St. Lawrence, ss:

Auberon Stevens, being duly sworn, doth depose and say:

That he is a resident of Gouverneur, County of St. Lawrence, State of New York, and is thirty-three years old.

That he is and for some time past has been employed as head machinist in the factory of the International Lace Mfg. Co., at said Gouverneur, and has had charge of the hiring of men employed upon the looms in said factory.

That he knows Geo. A. Stevens, who has been in the employ of that company, having been employed by deponent. That the said Geo. A. Stevens was employed as a weaver in that company on or about December 30th, 1903, off and on until the 5th day of March, 1904. At the time the deponent employed the said Geo. A. Stevens he informed deponent that he had not been working a loom for some time, about a year, as deponent best recollects. That after he commenced to work in said lace mill at Gouverneur, he was frequently absent on account of his poor health. The particular dates deponent cannot recollect and did not keep a record of the same as he was working on piece work. That before he commenced to run the machine he requested the privilege of examining the machine in order to become familiar with it and its working, as he was out of practice.

Deponent further says that said Geo. A. Stevens was much below the average weaver and was therefore not capable of earning as much as the ordinary skilled weaver.

Deponent further says that said Geo. A. Stevens was last paid on

March 5th, 1904, at which time he stated to deponent that he
141 was sick; he had not been at work for three or four days previous to that time on account of sickness, as he stated. That a week or more after said March 5th, 1904, Geo. A. Stevens came to the mill and informed deponent that he would not work any more and would go back to his former residence, Patchogue, Long Island, as he felt sick and had to go home to recuperate. He was not discharged by said company, but left on his own accord.

Deponent further says that he knows William Wilson. That the said William Wilson was employed at the said factory of the International Lace Mfg. Co. as lace weaver upon a loom therein, having been employed as such weaver on or about December 9, 1903.

That on or about the 27th day of January, 1904, while said Wilson was working upon his loom it was broken and was repaired as soon as practicable. On the 8th of February said Wilson resumed his work, the said machine being then repaired.

That it is a rule of the factory that each employee working upon a loom works upon a special loom, and that whenever his loom is broken he is laid off until the loom he is working on is repaired. This rule applies to everyone employed in the factory working upon a loom. That this is the reason why the said Wilson was temporarily laid off for about ten days and until the loom he was at work on was repaired, when he resumed work.

A. STEVENS.

Subscribed and sworn to before me this 26th day of March, 1904.

GEORGE E. PIKE,
Notary Public.

[SEAL.]

142 In the Matter of Aliens PETER PEARSON, ENOCH PEARSON and JOHN WAKEFIELD.

STATE OF NEW YORK,
County of St. Lawrence, ss:

Joseph S. Lesser, being duly sworn, says:

That he is the President of the International Lace Mfg. Co., a company organized under the Laws of the State of New York, and having a factory at Gouverneur, in the County of St. Lawrence, State of New York.

That he has read what purports to be a copy of the evidence given before the Inspectors at the Special Inquiry held at Ellis Island, February 1st, 1904, and particularly the testimony of Peter Pearson, in the following questions and answers:

"Q. Were you invited by any person to come to this country?
A. Yes; if I said I had not been invited, I would be telling a lie.

Mr. EPPLER:

Q. Tell the truth, yes or not?
A. Yes.

Mr. MOLER:

Q. By whom?

A. A gentleman named Lesser."

In connection with this testimony I have this to say: I never invited the said Pearson or intended to invite the said Pearson to come to this country or to come to my employment, or to become an employee of any concern in which I was interested. I had known the said Pearson for over twenty years, and had occasionally seen him when visiting England in my business as a buyer of laces to import to this country. I knew the said Pearson as an inventor and owner of machines. The said Pearson came to me on my last trip to Nottingham in the month of November, 1903, and asked my advice in his business. He told me that business was slack there, and that he had made up his mind to sell out his machinery
143 and come to the United States. He asked me what prospect there was of employment there. I told him that there were opportunities for a skilled man such as I knew him to be. During the conversation he asked me whether I could give him employment, and I told him that I could not give him employment, that I had a man of his kind in my employment by the name of Camichael, but that if he ever came to America and I had need of a man of his kind I should be glad to obtain such services. I did not invite him in any way to come to America. I did not directly or indirectly attempt to influence him to decide whether he should come to America. I simply told him as a friend asking the advice in his place what I knew to be the fact of the business in this country: that there was plenty of employment for skilled men in the lace-making business.

I further say that I have read my affidavit taken before said William Scarlett March 11th, 1904. That said affidavit was prepared by said Scarlett on questions that he put to me and the answers that I made. That as regards the statement that "I advanced no money and paid no part of their passage money or transportation from Nottingham to Gouverneur," I understood the question that Mr. Scarlett put to me to refer to the passage money from Nottingham to this country only, and had no idea that he inquired about their passage from New York to Gouverneur, and did not intend to answer as to that. That the only answer I intended to give was as to the payment of their transportation from Nottingham to this country, and it was in answer to that question that I gave the testimony. I did not observe or know, when I signed the statement, that it embraced what might be termed their passage from New York to Gouverneur, and the insertion of the word "Gouverneur" in that affidavit was wholly unobserved by me. All my answers to Mr. Scarlett were intended to be strictly true.

144 I further say, that as regards the statement in my said affidavit that "I made no arrangement with men in New York whatever, but they came to Gouverneur and applied at the mill, my brother being in charge," the facts are that the company had heads to each department who hire and employ the persons working in said mill in their respective departments; what I did mean to say was

that I did not employ them but referred them to Mr. A. Stevens, who is overseer over the lace machines, and who is the one authorized to hire persons to work in his department; that Peter Pearson asked if he could be employed as corrector and reader, and I told him "No, we had such a man already, but that there might be an opening for an assistant overseer, and he could talk to said Overseer Stevens, and if he could be employed in that capacity it would be agreeable to me."

I further state that when I conversed with the men in New York I was convinced that if they went to Wilkesbarre, as they spoke of doing, that they would be likely to remain there, and as I wanted them to go to Gouverneur first, I stated to them that we would pay their expenses to go to Gouverneur, and if they did not find any employment there, we would also pay their return expenses to New York, which was the most direct route to Wilkesbarre.

I further say that the Company pays all its weavers what is known in this country as union wages, and the said aliens were employed by the Company at full union wages, although the Company's factory is not what is known as a union shop, the reason for this being as follows:

I have, in my private firm's business, been engaged in the importation of cotton laces for many years, which laces were chiefly manufactured in Nottingham, England. Less than two years ago I concluded to undertake to manufacture laces in this country
145 and give up importation. Together with about one hundred and fifty residents of Gouverneur who are interested in that place, a company was formed and capital subscribed to erect a factory and purchase machinery for making laces and lace curtains, which machinery is only to be obtained abroad. The principal inducement of the residents of Gouverneur who subscribed very largely to the undertaking was to obtain employment for such persons as lived in and about the town and secure their residence in the town and prevent their leaving to seek employment elsewhere. If the shop were made a union shop it would come under the union rule that only one apprentice could be employed to every seven machines, which means only one apprentice to fourteen men operators required for the seven machines. This would seriously restrict the employment of residents in Gouverneur, whereas, under the present system the Company is enabled to employ more residents of Gouverneur who are not as yet experienced hands but learning, and thus the purpose of the formation of the Company and the raising of the necessary capital is enabled to be carried out.

I further say that I make this affidavit at the request of the counsel for the said aliens and in their behalf.

JOSEPH S. LESSER.

Subscribed and sworn to before me this 28th day of March, 1904.

GEO. T. VAN VALKENBERG,
Notary Public, New York County.

(Endorsed:)—U. S. Circuit Court, Southern District of New York—In re Peter Pearson, Enoch Pearson and John Wakefield,
14—237

Petitioners.—Petition for *Habeas Corpus*.—Hoadly, Lauterbach & Johnson, Solicitors for Petitioners, 22 William St., New York City.—U. S. Circuit Court, Southern District of New York, Filed Apr. 21, 1904.—John A. Shields, Clerk.

146 The President of the United States of America to George B. Cortelyou, Secretary of the Department of Commerce and Labor of the United States, and to William Williams, Commissioner of Immigration of the Port of New York, Greeting:

We command you that you have the body of Peter Pearson, of Enoch Pearson, and of John Wakefield, by you imprisoned and detained, as it is said, together with the time and cause of such imprisonment and detention, by whatsoever name the said Peter Pearson, Enoch Pearson and John Wakefield shall be called or charged, before a Stated Term of the Circuit Court of the United States for the Southern District of New York, to be held in the Post Office Building, in the City and County and State of New York, on the 22d day of April, 1904, at 10:30 o'clock A. M., to do and receive what shall then and there be considered concerning said Peter Pearson, Enoch Pearson and John Wakefield, and have you then and there this writ.

Witness, Honorable Melville W. Fuller, Chief Justice of the United States, the 21st day of April, one thousand nine hundred and four.

JOHN A. SHIELDS, *Clerk.*

HOADLY, LAUTERBACH & JOHNSON,
Petitioners' Solicitors, No. 22 William Street, New York City.

Allowed:
E. HENRY LACOMBE,
U. S. Circuit Judge.

147 United States Circuit Court, Southern District of New York.

In the Matter of the Application of PETER PEARSON, ENOCH PEARSON and JOHN WAKEFIELD, for a Writ of *Habeas Corpus.*

UNITED STATES OF AMERICA,
Southern District of New York, State and County of New York, ss:

Harry A. Mendelson, being duly sworn, says:

That he is upwards of twenty-three years of age. That on the 21st day of April, 1904, at 12:30 P. M., at Ellis Island, in the said Southern District of New York, deponent served the annexed writ of *habeas corpus* upon William Williams, Commissioner of Immigration named therein, by exhibiting to him the annexed writ and leaving with him a copy thereof, together with a copy of the petition and all the papers upon which the said writ was granted, and now on file in the office of the Clerk of the Circuit Court of the United States for the Southern District of New York.

Deponent further says he knew the said person so served by him to be the said William Williams, Commissioner of Immigration of the Port of New York, named in the writ.

HARRY A. MENDELSON.

Sworn to before me this 21st day of April, 1904.

MARK J. KATZ,
Notary Public, N. Y. County.

[SEAL.]

148 (Endorsed)—U. S. Circuit Court, South. Dist. of New York.—In re Peter Pearson, Enoch Pearson and John Wakefield, aliens.—Original Writ of *Habeas Corpus* and Affidavit of Service.—Hoadly, Lauterbach & Johnson, Attorneys for aliens, 22 William Street, New York City. U. S. Circuit Court, Southern District of New York, filed May 12, 1904.—John A. Shields, Clerk.

The old act made the decision of the Board of Special Inquiry final, when adverse to the alien; the new act makes the decision final (except for appeal to Secretary of the Treasury), without any such qualification. The change is significant, and the unanimous decision of the Board in this case in favor of entry and against deportation should be taken as conclusive. The relators are discharged—order will be settled on notice so that the Commissioner may take an appeal if so advised.

E. H. LACOMBE,
U. S. C. J.

May 12, 1904.

149 *Return to Writ of Habeas Corpus.*

United States Circuit Court, Southern District of New York.

In the Matter of the Detention of PETER PEARSON, ENOCH PEARSON and JOHN WAKEFIELD.

STATE OF NEW YORK,
County of New York, ss:

William Williams, being duly sworn, deposes and says:

That he is the United States Commissioner of Immigration at the Port of New York; that as he is informed and believes, Peter Pearson, Enoch Pearson and John Wakefield are aliens and subjects of the Kingdom of Great Britain and Ireland; that said aliens arrived at the Port of New York from England on February 1, 1904, and upon arrival were detained at the Ellis Island immigrant station for examination as persons not clearly and beyond a doubt entitled to land in the United States; that on or about the first day of February, 1904, said aliens were examined by a Board of Special Inquiry duly constituted according to law, and were by the unanimous decision of said Board allowed to land in the United States.

That thereafter, on or about the twenty-third day of March, 1904, in pursuance of a warrant issued by the Secretary of Commerce and

Labor, dated March 21, 1904, a copy of which warrant is hereto annexed, said aliens were arrested in the town of Gouverneur, State of New York, by officers of the United States Immigration Department, and were taken before a Board of Special Inquiry at
150 the Ellis Island Immigration Station, and were allowed to submit such evidence as they desired tending to show why they should not be deported.

Deponent admits that the facts relating to the arrest of said aliens and to the hearings before the Board of Special Inquiry on March 29 and 30, 1904, are substantially as set forth in Articles numbered III., IV and V. of the petition of said aliens for a writ of *habeas corpus*, verified the twentieth day of April, 1904, and that the allegations relating to the examination of said aliens on their arrival at the Port of New York contained in paragraphs numbered VI. and VII. of said petition, are substantially true and correct, and that the various exhibits attached to said petition are true and correct copies thereof.

Deponent further says, upon information and belief, that the affidavits upon which the above mentioned warrant of arrest was issued, and copies of the minutes of the said hearings before the Board of Special Inquiry (Exhibits numbered 3 and 4 annexed to the said petition) were forwarded through the Commissioner-General of Immigration to the Secretary of Commerce and Labor, and that thereafter, on or about the 3d day of May, 1904, the Secretary of Commerce and Labor issued his certain warrant (a copy of which is hereto annexed and made a part of this return), directing that said aliens be deported to the country from whence they came, and that said aliens are now held by deponent in custody at Ellis Island Immigrant Station by virtue of said last mentioned warrant, pending their deportation to the country from whence they came, in accordance with the directions therein contained.

WM. WILLIAMS.

Sworn to before me this 5th day of May, 1904.

LAWRENCE P. LEE,
[SEAL.] *Notary Public, N. Y. Co.*

151 *Warrant—Arrest of Alien.*

United States of America, Department of Commerce and Labor.

No. 43563.

WASHINGTON, *March* 1, 1904.

To William Scarlett and Lewis Jenik, Ellis Island, N. Y. H.

Whereas, from evidence submitted to me, it appears that Peter Pearson, Enoch Pearson and John Wakefield, aliens who landed at the port of New York, N. Y., on the 1st day of February, 1904, have been found in the United States in violation of the Act of Congress approved March 3, 1903, to wit: Are alien contract laborers, I,

George B. Cortelyou, Secretary of Commerce and Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said Peter Pearson, Enoch Pearson and John Wakefield, aliens, and convey them before the Board of Special Inquiry to enable them to show cause why they should not be deported in conformity with law.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 21st day of March, 1904.

(Signed) GEO. B. CORTELYOU,
[SEAL.] *Secretary of Commerce and Labor.*
M. S. L.

152 *Warrant—Deportation of Alien.*

United States of America, Department of Commerce and Labor.

No. 43563.

To the Commissioner of Immigration, Ellis Island, New York Harbor.

Whereas, from proofs submitted to me, after due hearing before a Board of Special Inquiry and the Department, I have become satisfied that Peter Pearson, Enoch Pearson and John Wakefield, aliens who landed at the port of New York on the first day of February, 1904, are in this country in violation of the Acts of Congress approved February 26, 1885, February 23, 1887, March 3, 1891, and March 3, 1903; and whereas, the period of three years after landing has not elapsed:

I, George B. Cortelyou, Secretary of Commerce and Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to return the said Peter Pearson, Enoch Pearson and John Wakefield, aliens, to the country whence they came, at the expense of the steamship company to which the "Etruria" belongs.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this third day of May, 1904.

GEO. B. CORTELYOU,
Secretary of Commerce and Labor.
F. P. S.

(Endorsed:)—United States Circuit Court, Southern District of New York.—In the Matter of the Detention of Peter Pearson, Enoch Pearson and John Wakefield.—Return of Writ of *Habeas Corpus*.—Robert A. Paddock, Counsel for Commissioner of Immigration, 49 Wall Street, Manhattan, New York.—U. S. Circuit Court, Southern District of New York, Filed May 12, 1904.—John A. Shields, Clerk.

153 United States Circuit Court, Southern District of New York.

UNITED STATES OF AMERICA, *ex Relation* of PETER PEARSON, ENOCH PEARSON and JOHN WAKEFIELD,

vs.

GEORGE B. CORTELYOU, Secretary of the Department of Commerce and Labor, and WILLIAM WILLIAMS, Commissioner of Immigration.

The answer of Peter Pearson, Enoch Pearson and John Wakefield to the return to the Writ of *Habeas Corpus*, heretofore made and filed herein by William Williams, Commissioner of Immigration of the Port of New York, respectfully shows:

(1) That although the warrant of arrest under which your relators were taken into custody purports to be a just and lawful warrant of the Secretary of the Department of Commerce and Labor having jurisdiction to issue the same; it is, nevertheless, wholly unlawful and void, for the reason that the Hon. George B. Cortelyou by whom the said warrant was issued had no jurisdiction or authority in law to issue the same, as appears fully and at large from the averments of the relators' petition herein, verified the 20th day of April, 1904, which is hereby referred to and made a part hereof, and that the averments show that the Hon. George B. Cortelyou, Secretary of the Department of Commerce and Labor, by whom said warrant of arrest was signed, had no jurisdiction to issue the same, for the reasons among others, that

154 (1) The said Secretary of the Department of Commerce and Labor had no jurisdiction whatsoever to arrest the said Peter Pearson, Enoch Pearson and John Wakefield, inasmuch as the said persons had already been duly and lawfully admitted as immigrants into the United States.

(2) That the said Secretary of the Department of Commerce and Labor was without jurisdiction to issue the said warrant, for the reason that no other charge or violation of any law of the United States existed or was made upon which said warrant might lawfully issue, except an alleged violation of the laws of the United States for which the said persons had already been once duly tried, acquitted and unanimously discharged by a Board of Special Inquiry having full authority in the premises under the laws of the United States to examine and pass upon said charge, and whose decision was, by the laws of the United States, final and not subject to review.

(3) That the proceedings before the Board of Special Inquiry appointed under and pursuant to the said warrant, was a nullity, because the same were wholly without jurisdiction in the premises under the law, either to review, set aside, or reverse the former decision of the duly constituted Board of Special Inquiry unanimously admitting the said relators.

(4) That although the warrant of deportation appears to be a just and lawful warrant of the Secretary of the Department of Commerce and Labor having jurisdiction to issue the same; it was and

is, nevertheless, wholly unlawful and void, for the reason that the said Secretary of the Department of Commerce and Labor, by whom said warrant was issued, was without jurisdiction or authority in law to issue the same, as appears fully and at large from the averments of the relators' petition herein; and that the averments show that the said Secretary of the Department of Commerce and Labor,

155 by whom said warrant of arrest was signed, had no jurisdiction to issue the same, for the reason, among others, that

(1) The said Secretary of the Department of Commerce and Labor had no jurisdiction whatsoever to arrest the said Peter Pearson, Enoch Pearson and John Wakefield, inasmuch as the said persons had already been duly and lawfully admitted as immigrants into the United States.

(2) That the said Secretary of the Department of Commerce and Labor was without jurisdiction to issue the said warrant, for the reason that no other charge or violation of any law of the United States existed or was made upon which said warrant might lawfully issue, except an alleged violation of the laws of the United States for which the said persons had already been once duly tried, acquitted and unanimously discharged by a Board of Special Inquiry, having full authority in the premises under laws of the United States to examine and pass upon said charge, and whose decision was, by the laws of the United States, final and not subject to review.

Wherefore, relators ask that the writ issued herein be sustained, and that they be discharged from custody.

HOADLY, LAUTERBACH & JOHNSON,
Attorneys for Relators.

Office & P. O. Address, No. 22 William Street, Borough of Manhattan, New York City.

156 UNITED STATES OF AMERICA,
State of New York, City and County of New York, ss.

Peter Pearson, Enoch Pearson and John Wakefield, the above-named relators, being duly and severally sworn, each for himself, does depose and say: that he has read the foregoing answer and knows the contents thereof; that the same is true of his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

PETER PEARSON.
ENOCH PEARSON.
JOHN WAKEFIELD.

Subscribed and sworn to before me this 6th day of May, 1904.

_____,
Notary Public, New York County.

(Endorsed:)—United States Circuit Court, Southern District of New York.—United States *ex rel.* Peter Pearson & ors. *vs.* George B. Cortelyou, Secretary of Dept. of Commerce and Labor, and William Williams, Commissioner.—Answer.—Hoadly, Lauterbach & John-

son, Attorneys for Relators, 22 William Street, New York City.—U. S. Circuit Court, Southern District of New York, Filed May 12, 1904. —John A. Shields, Clerk.

157 At a Stated Term of the Circuit Court of the United States of America, for the Southern District of New York, in the Second Circuit, held at the United States Court Rooms in the Borough of Manhattan, in the City of New York, on the 10th day of June, in the year of our Lord one thousand nine hundred and four.

Present: Hon. E. Henry Lacombe, Circuit Judge.

UNITED STATES *ex Rel.* PETER PEARSON, ENOCH PEARSON and JOHN WAKEFIELD,

against

WILLIAM WILLIAMS, Commissioner of Immigration, and GEORGE B. CORTELYOU, Secretary of the Department of Commerce and Labor.

Upon reading the petition of Peter Pearson, Enoch Pearson and John Wakefield, for a Writ of *Habeas Corpus*, verified April 20th, 1904, together with the exhibits thereto annexed, the affidavit of Eugene Treadwell, verified April 20th, 1904, all filed April 21st, 1904, and on reading and filing the Writ of *Habeas Corpus* herein issued on the 21st day of April, 1904, proof of service thereof on William Williams, Commissioner of Immigration, stipulation dated May 6th, 1904, together with exhibits thereto annexed, the return to the Writ of *Habeas Corpus* verified by the Commissioner of Immigration May 5th, 1904, together with the exhibits therein referred to and thereto annexed, the traverse verified May 6th, 1904,

158 and the said Peter Pearson, Enoch Pearson and John Wakefield having been produced in Court by the said Commissioner of Immigration, and the matter coming on to be heard by the Court, a motion for the discharge of the said Peter Pearson, Enoch Pearson and John Wakefield having been made, and after hearing Eugene Treadwell, Esq., of counsel, on behalf of the relators, and Robert A. Paddock, Esq., of counsel, on behalf of the Commissioner, the Court finds that the said relators are unlawfully restrained of their liberty, and it is now, on motion of Hoadly, Lauterbach & Johnson, attorneys for the relators,

Ordered, that the said Peter Pearson, Enoch Pearson and John Wakefield be forthwith discharged from the custody of the said Commissioner of Immigration, as aforesaid, and that they go hence without day.

E. H. LACOMBE,
U. S. Circuit Judge.

(Endorsed:)—Circuit Court of the U. S., Southern District of N. Y.—United States *ex Rel.* Peter Pearson, Enoch Pearson and John Wakefield, *vs.* William Williams and George B. Cortelyou.—Order. —Hoadly, Lauterbach & Johnson, Attorneys for Relator, 22 William Street, New York City.—Due service of a copy of the within is hereby

admitted. Dated June 8th, 1904. Robert A. Paddock, Attorney for Wm. Williams.—U. S. Circuit Court, Southern District of New York. Filed Jun. 10, 1904.—John A. Shields, Clerk.

159 At a Stated Term of the Circuit Court of the United States of America, for the Southern District of New York, in the Second Circuit, held at the United States Court Rooms in the Borough of Manhattan, in the City of New York, on Friday, the 6th day of May, in the year of our Lord one thousand nine hundred and four.

Present: The Honorable E. Henry Lacombe, Circuit Judge.

UNITED STATES *ex Rel.* PETER PEARSON, ENOCH PEARSON and JOHN WAKEFIELD,
against
The Commissioner of Immigration, WILLIAM WILLIAMS.

A writ of *habeas corpus* having been issued herein, requiring the relators Peter Pearson, Enoch Pearson and John Wakefield to be brought before the Court, and a return thereto having been made and filed and the return having been traversed and the relators having been produced in Court and counsel for the relators having moved for their discharge, and counsel for the Commissioner opposing, the Court having taken the matter into consideration and on application of counsel for the relators that the relators be admitted to bail pending the hearing and decision of the Court and further proceedings on the matter in this Court,

Ordered, that the relators Peter Pearson, Enoch Pearson and John Wakefield be admitted to bail in the sum of one thousand dollars each before John A. Shields, U. S. Commissioner, pending the
160 decision of this motion and further proceedings in this Court, including the entry of an order thereon.

E. H. LACOMBE,
U. S. Circuit Judge.

Form approved.
ROBERT A. PADDOCK,
Atty. for Wm. Williams, Commissioner of Immigration.

(Endorsed:)—U. S. Circuit Court, Southern District of New York. Filed May 6, 1904.—John A. Shields, Clerk.

UNITED STATES OF AMERICA,
Southern District of New York, ss:

Be it remembered, that on the 7th day of May, 1904, before me, John A. Shields, United States Commissioner, personally came John Wakefield, Principal, and Joseph S. Lesser, Surety, and severally acknowledged themselves indebted to the United States of America in the sum of One thousand dollars ($1,000) separately to be levied and made on their respective goods, chattels, lands and tenements to the United States, if default shall be made in the condition following, to wit:

Whereas, the said John Wakefield is detained in custody of

William Williams, as United States Commissioner of Immigration at the port of New York, under warrant for his deportation issued by George B. Cortelyou, Secretary of the Department of Commerce and Labor, dated May 3d, 1904, and

Whereas, the said John Wakefield made an application to the United States Circuit Court, before the Honorable E. Henry Lacombe, on the 21st day of April, 1904, for a writ of *habeas corpus*,
161 directing the said William Williams and requiring him to produce said John Wakefield before said Circuit Court together with the true cause of his detention, and

Whereas, on the 6th day of May, 1904, said William Williams produced said John Wakefield before the United States Circuit Court for the Southern District of New York, and made a return to said writ, and the matter coming on for hearing before the Court and application being made for admission to bail pending the decision by the Court, and an order having been made dated the 6th day of May, 1904, admitting the said John Wakefield to bail in the sum of One Thousand dollars ($1,000) pending the decision of the Court and until the entry of an order thereon.

Now, therefore, the condition of this obligation is such, that if the said John Wakefield shall duly personally appear in the United States Circuit Court to answer the exigency and determination of said motion and personally abide the final decision and determination of said Court and abide and obey the orders of the said Court, and upon entry of said orders, then this recognizance to be void, otherwise to be and remain in full force and virtue.

JOHN WAKEFIELD. [SEAL.]
JOSEPH S. LESSER. [SEAL.]

Taken and acknowledged before me this 7th day of May, 1904.
JOHN A. SHIELDS,
U. S. Commissioner, S. D. N. Y.

Approved as to form and sufficiency.
R. A. PADDOCK,
Attorney for Wm. Williams.

162 SOUTHERN DISTRICT OF NEW YORK:

Joseph S. Lesser, of No. 20 East 20th St., in the City of New York, being duly sworn, deposes and says:

That he is worth the sum of two thousand dollars ($2,000) over and above all his just debts and liabilities.

JOSEPH S. LESSER.

Sworn to before me this 7th day of May, A. D., 1904.
JOHN A. SHIELDS,
U. S. Commissioner for the Southern District of New York.

(Endorsed:)—United States Circuit Court, Southern Dist. of New York.—United States of America *ex Rel.* Peter Pearson, Enoch Pearson and John Wakefield, *agst.* William Williams, Commissioner

of Immigration.—Bail Bond of John Wakefield.—Hoadly, Lauterbach & Johnson, Attorneys for Relators, 22 William Street, New York City.—U. S. Circuit Court, Southern District of New York. Filed May 7, 1904.—John A. Shields, Clerk.

163 UNITED STATES OF AMERICA,
Southern District of New York, ss:

Be it remembered, that on the 7th day of May, 1904, before me, John A. Shields, United States Commissioner, personally came Peter Pearson, Principal, and Joseph S. Lesser, Surety, and severally acknowledged themselves indebted to the United States of America in the sum of One thousand dollars ($1,000) separately to be levied and made on their respective goods, chattels, lands and tenements to the United States, if default shall be made in the condition following, to wit:

Whereas, the said Peter Pearson is detained in custody of William Williams, as United States Commissioner of Immigration at the port of New York, under warrant for his deportation issued by George B. Cortelyou, Secretary of the Department of Commerce and Labor, dated May 3d, 1904; and

Whereas, the said Peter Pearson made an application to the United States Circuit Court, before the Honorable E. Henry Lacombe, on the 21st day of April, 1904, for a writ of *habeas corpus*, directing the said William Williams and requiring him to produce said Peter Pearson before said Circuit Court together with the true cause of his detention; and

Whereas, on the 6th day of May, 1904, said William Williams produced said Peter Pearson before the United States Circuit Court for the Southern District of New York, and made a return to said writ, and the matter coming on for hearing before the Court, and application being made for admission to bail pending the decision by the Court, and an order having been made, dated the 6th day of May, 1904, admitting the said Peter Pearson to bail in the sum of One thousand dollars ($1,000) pending the decision of the Court and until the entry of an order thereon.

164 Now, therefore, the condition of this obligation is such, that if the said Peter Pearson shall duly personally appear in the United States Circuit Court to answer the exigency and determination of said motion and personally abide the final decision and determination of said Court and abide and obey the orders of the said Court, and upon entry of said orders, then this recognizance to be void, otherwise to be and remain in full force and virtue.

PETER PEARSON. [SEAL.]
JOSEPH S. LESSER. [SEAL.]

Taken and acknowledged before me this 7th day of May, 1904.
JOHN A. SHIELDS,
U. S. Commissioner, S. D. N. Y.

Approved as to form and sufficiency.
R. A. PADDOCK,
Atty. for Wm. Williams.

SOUTHERN DISTRICT OF NEW YORK:

Joseph S. Lesser, of No. 20 East 20th Street, in the City of New York, being duly sworn, deposes and says:

That he is worth the sum of two thousand dollars ($2,000) over and above all his just debts and liabilities.

JOSEPH S. LESSER.

Sworn to 7th day of May, A. D., 1904, before me.

JOHN A. SHIELDS,
U. S. Commissioner for the Southern District of New York.

165 (Endorsed:)—United States Circuit Court, Southern Dist. of New York.—United States of America *ex Rel.* Peter Pearson, Enoch Pearson and John Wakefield, *agst.* William Williams, Commissioner of Immigration. Bail Bond for Peter Pearson.—Hoadley, Lauterbach and Johnson, Attorneys for Relators, 22 William Street, New York City.—U. S. Circuit Court, Southern District of New York, Filed May 7, 1904.—John A. Shields, Clerk.

UNITED STATES OF AMERICA,
Southern District of New York, ss:

Be it remembered, that on the 7th day of May, 1904, before me, John A. Shields, United States Commissioner, personally came Enoch Pearson, Principal, and Joseph S. Lesser, Surety, and severally acknowledged themselves indebted to the United States of America in the sum of one thousand dollars ($1,000), separately to be levied and made on their respective goods, chattels, lands and tenements to the United States, if default shall be made in the condition following, to wit:

Whereas, the said Enoch Pearson is detained in custody of William Williams, as United States Commissioner of Immigration at the Port of New York, under warrant for his deportation issued by George B. Cortelyou, Secretary of the Depar-ment of Commerce and Labor, dated May 3rd, 1904; and

Whereas, the said Enoch Pearson made an application to the United States Circuit Court, before the Honorable E. Henry Lacombe, on the 21st day of April, 1904, for a writ of *habeas corpus*, directing the said William Williams and requiring him to produce said Enoch Pearson before said Circuit Court, together with the true cause of his detention; and

Whereas, on the 6th day of May, 1904, said William
166 Williams produced said Enoch Pearson before the United States Circuit Court for the Southern District of New York and made a return to said writ, and the matter coming on for hearing before the Court and application being made for admission to bail pending the decision by the Court, and an order having been made, dated the 6th day of May, 1904, admitting the said Enoch Pearson to bail in the sum of one thousand dollars ($1,000) pending the decision of the Court and until the entry of an order thereon.

Now, therefore, the condition of this obligation is such, that if the

said Enoch Pearson shall duly personally appear in the United States Circuit Court to answer the exigency and determination of said motion and personally abide the final decision and determination of said Court and abide and obey the orders of the said Court and upon entry of said orders, then this recognizance to be void, otherwise to be and remain in full force and virtue.

ENOCH PERSON. [SEAL].
JOSEPH S. LESSER [SEAL].

Taken and acknowledged before me this 7th day of May, 1904.
JOHN A. SHIELDS,
U. S. Commissioner, S. D. N. Y.

Approved as to form and sufficiency.
R. A. PADDOCK,
Atty. for Wm. Williams.

167 SOUTHERN DISTRICT OF NEW YORK.

Joseph S. Lesser, of No. 20 East 20th Street, in the City of New York, being duly sworn, deposes and says that he is worth the sum of two thousand dollars ($2,000) over and above all his just debts and liabilities.

JOSEPH S. LESSER.

Sworn to this 7th day of May, 1904 A. D.
JOHN A. SHIELDS,
U. S. Commissioner for the Southern District of New York.

(Endorsed:) United States Circuit Court, Southern District of New York.—United States of America *ex rel.* Peter Pearson and Enoch Pearson and John Wakefield *agst.* William Williams, Commissioner of Immigration.—Bail Bond of Enoch Pearson.—Hoadly, Lauterbach & Johnson, Attorneys for Relators, 22 William Street, New York City.—U. S. Circuit Court, Southern District of New York, Filed May 7, 1904.—John A. Shields, Clerk.

168 UNITED STATES CIRCUIT COURT,
Southern District of New York.

UNITED STATES OF AMERICA, *ex Relation* of PETER PEARSON, ENOCH PEARSON and JOHN WAKEFIELD,
vs.
GEORGE B. CORTELYOU, Secretary of the Department of Commerce and Labor, and WILLIAM WILLIAMS, Commissioner of Immigration.

It is stipulated that the annexed communications, signed by George B. Cortelyou, Secretary of the Department of Commerce and Labor, dated May 3rd, 1904, being a letter of the Commissioner of Immigration, addressed to Hoadly, Lauterbach & Johnson, attorneys for the relators, enclosing a copy of a letter of the same date, ad-

dressed to the Commissioner of Immigration, Ellis Island, are genuine communications from the Secretary of the Department of Commerce and Labor.

Dated New York, May 6th, 1904.

ROBERT A. PADDOCK,
Attorney for Commissioner of Immigration.
HOADLY, LAUTERBACH & JOHNSON,
Attorneys for Relators.

169 EXHIBIT 6.

Department of Commerce and Labor, Office of the Secretary.

No. 43,563.

WASHINGTON, *May* 3, 1904.

Commissioner of Immigration, Ellis Island, New York Harbor.

SIR: Accompanying your letter of the 7th ultimo, No. 22,453 there was received by the Department the record of the hearings before the Board of Special Inquiry in the cases of Peter and Enoch Pearson and John Wakefield, who had theretofore been arrested upon warrants charging them with being unlawfully in the United States.

The said aliens had arrived at your port per steamship "Etruria" on February 1, 1904. They were on preliminary hearing before the Board of Special Inquiry excluded, but on appeal were permitted to land on their sworn testimony that they did not intend to proceed to Gouverneur but to Wilkesbarre, Penn. Immediately on being landed they proceeded directly to Gouverneur and engaged as operatives in the mills of the International Lace Manufacturing Company. Information was on file here that this was their plan, and their prompt action in going to Gouverneur, in the face of their sworn statement, removed the last reasonable doubt as to their migration to the United States having been induced in plain violation of law. Warrants were immediately issued for their arrest, directing that they be given a full hearing before a Board of Special Inquiry at your port, acording to due process of law, as to their right to remain in this country.

The evidence in this case was not all submitted until yesterday, May 2nd.

170 The Department has given the complete record a very close and painstaking study, has considered carefully both the written and oral arguments, and finds that:

1. Peter Pearson, and Enoch Pearson, his brother, and also John Wakefield, are all here in violation of law, and should therefore be deported.

2. That the point raised by the International Lace Company that

"Skilled labor of like kind unemployed cannot be found in this country,"

is not maintained. In fact, from the evidence submitted, the very opposite is true.

You will, therefore, execute the order of deportation, in accordance with law, taking cognizance, however, of any proceedings which have in the meantime been started in the courts.

Very respectfully,

GEORGE B. CORTELYOU, *Secretary.*

F. P. S.

171 Department of Commerce and Labor.

Office of the Secretary.

Washington.

MAY 3, 1904.

Hoadly, Lauterbach & Johnson, 22 William Street, New York City.

GENTLEMEN: The decision of the Department this day rendered is adverse to Peter Pearson and Enoch Pearson, his brother, and John Wakefield, remaining in the United States. Copy of opinion inclosed.

Very respectfully, GEO. B. CORTELYOU,

Secretary.

(Endorsed:)—United States Circuit Court, Southern District of New York.—United States of America, *ex relation* of Peter Pearson, Enoch Pearson and John Wakefield *vs.* George B. Cortelyou, Secy. of the Dept. Commerce and Labor, and William Williams, Commissioner of Immigration.—Stipulation and Exhibit 6.—Hoadly, Lauterbach & Johnson, Attorneys for Relators, 22 William St., New York.—U. S. Circuit Court, Southern District of New York, Filed May 12, 1904.—John A. Shields, Clerk.

172 United States Circuit Court of Appeals for the Second Circuit.

UNITED STATES OF AMERICA *ex Rel.* PETER PEARSON, ENOCH PEARSON and JOHN WAKEFIELD

against

WILLIAM WILLIAMS, United States Commissioner of Immigration.

SOUTHERN DISTRICT OF NEW YORK, *ss:*

Know all men by these presents, that we, Enoch Pearson, as principal, and Joseph S. Lesser, as surety, are held and firmly bound unto the United States of America in the sum of one thousand dollars, to be paid to said United States of America, to which payment, well and truly to be made, we bind ourselves and each of us, our heirs, executors, and administrators, jointly and severally, by these presents.

Sealed with our seals.

Dated this 22d day of June, 1904.

Whereas, the said Enoch Pearson was detained in custody of the above named United States Commissioner of Immigration at the port of New York, under a warrant for his deportation, dated May

3d, 1904, issued by the Secretary of the Department of Commerce and Labor; and

Whereas, by an order of the United States Circuit Court for the Southern District of New York, made on or about June 10th, 1904, the said Enoch Pearson was held to have been unlawfully restrained of his liberty, and was discharged from the custody of said
173 Commissioner of Immigration; and

Whereas, the above named Commissioner of Immigration, acting on behalf of the United States of America, has appealed from said order to the United States Circuit Court of Appeals for the Second Circuit, to reverse said order; and

Whereas, by the order of the said United States Circuit Court, made on or about June 10th, 1904, allowing said appeal, it was ordered that pending the final determination of this appeal, the said Enoch Pearson be admitted to bail in the sum of one thousand dollars, to hold himself amenable to the final order or judgment herein.

Now, therefore, the condition of this obligation is such, that if the above named Enoch Pearson shall personally appear in the United States Circuit Court for the Southern District of New York, to abide the final decision and determination of the said Appellate Court, or of the United States Supreme Court, should the matter be taken to that Court, and obey the final order or judgment herein of the Appellate Court, then the above obligation shall be void, otherwise to remain in full force and virtue.

ENOCH PEARSON [SEAL].
JOSEPH S. LESSER [SEAL].

Taken and acknowledged before me this 22d day of June, 1904.
[SEAL] GEORGE E. PIKE,
Notary Public.

Taken and acknowledged before me this 21st day of June, 1904, as to Joseph S. Lesser.
[SEAL] JOHN A. SHIELDS,
U. S. Commissioner, S. D. N. Y.

174 SOUTHERN DISTRICT OF NEW YORK, *ss:*

Joseph S. Lesser, above-named, being duly sworn, deposes and says:

That he resides at 308 West 88th St., in the City of New York, Manhattan; that he is worth the sum of two thousand dollars over and above all his debts and liabilities.

JOSEPH S. LESSER.

Sworn to before me this 21st day of June, 1904.
[SEAL] JOHN A. SHIELDS,
U. S. Commissioner, S. D. N. Y.

STATE OF NEW YORK, *St. Lawrence County, ss:*

On this 22d day of June, A. D., 1904, before me personally appeared Enoch Pearson, to me known to be the same person described

in and who executed the foregoing instrument, and he duly acknowledged the execution thereof.

Witness my hand and official seal the day and year above written.

[SEAL] GEORGE E. PIKE,
Notary Public.

(Endorsed:)—United States Circuit Court, Southern District of New York.—United States of America, *ex rel.* Peter Pearson, Enoch Pearson and John Wakefield against William Williams, Commissioner of Immigration. Bail Bond for Enoch Pearson.—Robert A. Paddock, Atty. for Commissioner, 49 Wall Street, Manhattan, New York.—U. S. Circuit Court, Southern District of New York, Filed Jul. 21, 1904.—John A. Shields, Clerk.

175 United States Circuit Court of Appeals for the Second Circuit.

UNITED STATES OF AMERICA *ex Rel.* PETER PEARSON, ENOCH PEARSON and JOHN WAKEFIELD
against
WILLIAM WILLIAMS, United States Commissioner of Immigration.

SOUTHERN DISTRICT OF NEW YORK, *ss:*

Know all men by these presents, that we, John Wakefield, as principal, and Joseph S. Lesser, as surety, are held and firmly bound unto the United States of America in the sum of one thousand dollars, to be paid the said United States of America, to which payment, well and truly to be made, we bind ourselves and each of us, our heirs, executors and administrators, jointly and severally, by these presents.

Sealed with our seals.

Dated this 22d day of June, 1904.

Whereas, the said John Wakefield was detained in custody of the above named United States Commissioner of Immigration at the port of New York, under a warrant for his deportation, dated May 3d, 1904, issued by the Secretary of the Department of Commerce and Labor; and

Whereas, by an order of the United States Circuit Court for the Southern District of New York, made on or about June 10th, 1904, the said John Wakefield was held to have been unlawfully restrained of his liberty, and was discharged from the custody of said
176 Commissioner of Immigration; and

Whereas, the above-named Commissioner of Immigration, acting on behalf of the United States of America, has appealed from said order to the United States Circuit Court of Appeals for the Second Circuit, to reverse said order; and

Whereas, by the order of the said United States Circuit Court, made on or about June 10th, 1904, allowing said appeal, it was ordered that pending the final determination of this appeal, the said John Wakefield be admitted to bail in the sum of one thousand dol-

lars, to hold himself amenable to the final order or judgment herein.

Now, therefore, the condition of this obligation is such, that if the above named John Wakefield shall personally appear in the United States Circuit Court for the Southern District of New York, to abide the final decision and determination of the said Appellate Court, or of the United States Supreme Court, should the matter be taken to that Court, and obey the final order or judgment herein of the Appellate Court, then the above obligation shall be void, otherwise to remain in full force and virtue.

JOHN WAKEFIELD [SEAL].
JOSEPH S. LESSER [SEAL].

Taken and acknowledged before me this 22d day of June, 1904.
[SEAL] GEORGE E. PIKE,
Notary Public.

Taken and acknowledged before me this 21st day of June, 1904, as to Joseph S. Lesser.
[SEAL] JOHN A. SHIELDS,
U. S. Commissioner, S. D. N. Y.

177 SOUTHERN DISTRICT OF NEW YORK, *ss*

Joseph S. Lesser, above-named, being duly sworn, deposes and says:

That he resides at 308 West 88th St., in the City of New York, Manhattan, that he is worth the sum of two thousand dollars over and above all his debts and liabilities.

JOSEPH S. LESSER.

Sworn to before me this 21st day of June, 1904.
[SEAL] JOHN A. SHIELDS,
United States Commissioner, S. D. N. Y.

STATE OF NEW YORK, *St. Lawrence County, ss:*

On this 22d day of June, A. D. 1904, before me personally appeared John Wakefield, to me known to be the same person described in and who executed the foregoing instrument, and he duly acknowledged the execution thereof.

Witness my hand and official seal the day and year above written.
[SEAL] GEORGE E. PIKE,
Notary Public.

(Endorsed:)—United States Circuit Court, Southern District of New York.—United States of America *ex rel.* Peter Pearson, Enoch Pearson and John Wakefield against William Williams, Commissioner of Immigration.—Bail Bond of John Wakefield.—Robert A. Paddock, Atty. for Commissioner, 49 Wall Street, Manhattan, New York.—U. S. Circuit Court, Southern District of New York, Filed Jul. 21, 1904.—John A. Shields, Clerk.

178 United States Circuit Court of Appeals for the Second Circuit.

UNITED STATES OF AMERICA *ex Rel.* PETER PEARSON, ENOCH PEARSON and JOHN WAKEFIELD
against
WILLIAM WILLIAMS, United States Commissioner of Immigration.

SOUTHERN DISTRICT OF NEW YORK, *ss:*

Know all men by these presents, that we Peter Pearson, as principal, and Joseph S. Lesser, as surety, are held and firmly bound unto the United States of America in the sum of one thousand dollars, to be paid to said United States of America, to which payment, well and truly to be made, we bind ourselves and each of us, our heirs, executors, and administrators, jointly and severally, by these presents.

Sealed with our seals.

Dated this 22nd day of June, 1904.

Whereas, the said Peter Pearson was detained in custody of the above named United States Commissioner of Immigration at the port of New York, under a warrant for his deportation, dated May 3rd, 1904, issued by the Secretary of the Department of Commerce and Labor; and

Whereas, by an order of the United States Circuit Court for the Southern District of New York, made on or about June 10th, 1904, the said Peter Pearson was held to have been unlawfully restrained of his liberty, and was discharged from the custody of said
179 Commissioner of Immigration; and

Whereas, the above named Commissioner of Immigration, acting on behalf of the United States of America, has appealed from said order to the United States Circuit Court of Appeals for the Second Circuit, to reverse said order; and

Whereas, by the order of the said United States Circuit Court, made on or about June 10th, 1904, allowing said appeal, it was ordered that pending the final determination of this appeal, the said Peter Pearson be admitted to bail in the sum of one thousand dollars, to hold himself amenable to the final order or judgment herein.

Now, therefore, the condition of this obligation is such, that if the above named Peter Pearson shall personally appear in the United States Circuit Court for the Southern District of New York, to abide the final decision and determination of the said Appellate Court, or of the United States Supreme Court, should the matter be taken to that court, and obey the final order or judgment herein of the Appellate Court, then the above obligation shall be void, otherwise to remain in full force and virtue.

PETER PEARSON [SEAL].
JOSEPH S. LESSER [SEAL].

Taken and acknowledged before me this 22nd day of June, 1904.
[SEAL] GEORGE E. PIKE,
Notary Public.

Taken and acknowledged before me this 21st day of June, 1904, as to Joseph S. Lesser.

[SEAL] JOHN A. SHIELDS,
U. S. Commissioner, S. D. N. Y.

180 SOUTHERN DISTRICT OF NEW YORK, *ss:*

Joseph S. Lesser, above named, being duly sworn, deposes and says, that he resides at 308 West 88th St., in the City of New York, Manhattan; that he is worth the sum of two thousand dollars over and above all his debts and liabilities.

JOSEPH S. LESSER.

Sworn to before me this 21st day of June, 1904.

[SEAL] JOHN A. SHIELDS,
U. S. Commissioner, S. D. N. Y.

STATE OF NEW YORK, *St. Lawrence County, ss:*

On this 22nd day of June, A. D. 1904, before me personally appeared Peter Pearson, to me known to be the same person described in and who executed the foregoing instrument, and he duly acknowledged the execution thereof.

Witness my hand and official seal the day and year aforesaid.

[SEAL] GEORGE E. PIKE,
Notary Public.

(Endorsed:)—United States Circuit Court, Southern District of New York.—United States of America *ex rel.* Peter Pearson, Enoch Pearson and John Wakefield against William Williams, Commissioner of Immigration.—Bail Bond of Peter Pearson.—Robert A. Paddock, Atty. for Commissioner, 49 Wall Street, Manhattan, New York.—U. S. Circuit Court, Southern District of New York, Filed Jul. 21, 1904.—John A. Shields, Clerk.

181 *Petition for Leave to Appeal.*

United States Circuit Court, Southern District of New York.

UNITED STATES OF AMERICA *ex Rel.* PETER PEARSON, ENOCH PEARSON and JOHN WAKEFIELD
against
WILLIAM WILLIAMS, Commissioner of Immigration.

To the Honorable E. Henry Lacombe, Judge, United States Circuit Court, Second Circuit, Southern District of New York.

Your petitioner, William Williams, United States Commissioner of Immigration at the Port of New York, respondent in the above entitled proceeding, feeling himself aggrieved by the order and judgment made and entered in the above entitled proceeding, on

or about the 10th day of June, 1904, wherein and whereby it was ordered that the said Peter Pearson, Enoch Pearson and John Wakefield be discharged from the custody of your petitioner as such United States Commissioner of Immigration aforesaid, acting under instructions of the Department of Commerce and Labor of the United States, on behalf of the United States, comes now by his attorney, Robert A. Paddock, and petitions this court for an order allowing him, the said petitioner, to prosecute an appeal from said order and judgment to the United States Circuit Court of Appeals for the Second Circuit, under and in accordance with the laws of the United States in that — above made and provided, and files herewith an assignment of errors; and the said petitioner further prays that no bond on appeal be required of appellant herein, and that

182 a transcript of the record, proceedings and papers in this matter, duly authenticated, may be sent to the United States Circuit Court of Appeals for the Second Circuit, and that pending this appeal herein the said Peter Pearson, Enoch Pearson and John Wakefield be admitted to bail in the sum of one thousand dollars each, to hold themselves amenable to the final order or judgment herein.

And your petitioner will ever pray.

Dated New York, June 10, 1904.

ROBERT A. PADDOCK,

Attorney for William Williams, United States Commissioner of Immigration at the Port of New York, 49 Wall Street, Manhattan, New York City.

Appeal allowed.
June 10, 1904.

E. H. LACOMBE,
U. S. Circuit Judge.

(Endorsed:)—United States Circuit Court, Southern District of New York.—United States of America *ex rel.* Peter Pearson, Enoch Pearson and John Wakefield against William Williams, Commissioner of Immigration.—Petition for Leave to Appeal.—Robert A. Paddock, Atty. for Commissioner, 49 Wall Street, Manhattan, New York.—A copy this day received, Jun. 10, 1904. Hoadley, Lauterbach & Johnson.—U. S. Circuit Court, Southern District of New York, Filed Jun. 10, 1904.—John A. Shields, Clerk.

183 At a Stated Term of the Circuit Court of the United States for the Southern District of New York, held at the Court House in the Post Office Building, in the Borough of Manhattan, City of New York, on the 10th day of June, 1904.

Present: Honorable E. Henry Lacombe, Judge, United States Circuit Court, Second Circuit, Southern District of New York.

UNITED STATES OF AMERICA *ex Rel.* PETER PEARSON, ENOCH PEARSON and JOHN WAKEFIELD
against
WILLIAM WILLIAMS, Commissioner of Immigration.

On reading and filing the petition of William Williams, for an order allowing an appeal herein to the United States Circuit Court of Appeals for the Second Circuit, and the Assignment of Errors filed with said petition, on motion of Robert A. Paddock, attorney for said petitioner, it is

Ordered, that an appeal to the United States Circuit Court of Appeals for the Second Circuit, from the final order or judgment herein made, entered and filed on the 10th day of June, 1904, be and the same hereby is allowed, and that no bond on appeal be required of the appellant herein, and that a transcript of the records, proceedings and papers upon which said order and judgment was entered be forthwith transmitted to the United States Circuit Court for the Second Circuit; and it is

184 Further Ordered, that pending the final determination of this appeal the relators, Peter Pearson, Enoch Pearson and John Wakefield, be admitted to bail in the sum of one thousand dollars each, to hold themselves amenable to the final order or judgment herein.

E. H. LACOMBE,
United States Circuit Judge.

(Endorsed:)—United States Circuit Court, Southern District of New York.—United States of America *ex rel.* Peter Pearson, Enoch Pearson and John Wakefield against William Williams, Commissioner of Immigration.—Order for Appeal.—Robert A. Paddock, Attorney for Commissioner, 49 Wall Street, Manhattan, New York City.—A copy this day received, Jun. 10, 1904. Headley, Lauterbach & Johnson.—U. S. Circuit Court, Southern District of New York, Filed Jun. 10, 1904.—John A. Shields, Clerk.

185 Circuit Court of the United States, Southern District of New York.

UNITED STATES *ex Rel.* PETER PEARSON, ENOCH PEARSON and JOHN WAKEFIELD.
against
WILLIAM WILLIAMS, United States Commissioner of Immigration.

Assignment of Errors.

William Williams, United States Commissioner of Immigration at the port of New York, respondent in the above-entitled proceeding, in connection with his petition for leave to appeal to the United States Circuit Court of Appeals, makes the following assignment of errors, which he avers occurred herein:

First. That the court erred in deciding that the unanimous decision of the Board of Special Inquiry allowing the above-named Peter Pearson, Enoch Pearson and John Wakefield to land, is conclusive or *res adjudicata* upon their right to remain in the United States.

Second. That the court erred in not holding that the said Peter Pearson, Enoch Pearson and John Wakefield entered the United States subject to the condition that they might be deported by order of the Secretary of Commerce and Labor, if within the limited period after arrival they were found to have been wrongfully allowed to land or had entered the United States in violation of law.

Third. That the court erred in holding that the warrant of the Secretary of Commerce and Labor set forth in the return,
186 dated May 3, 1904, was invalid and without authority in law, because of the unanimous decision of the Board of Special Inquiry of February 1, 1904, allowing said persons to land.

Fourth. That the court erred in reviewing the action of the Secretary of Commerce and Labor directing the expulsion of said persons, as set forth in his warrant for their deportation, dated May 3, 1904, and in not deciding that said warrant is valid and conclusive on the court.

Fifth. That the court erred in not dismissing the writ of *habeas corpus* herein and in not remanding the said Peter Pearson, Enoch Pearson and John Wakefield to the custody of the Commissioner of Immigration at the port of New York.

Sixth. That the court erred in deciding that Peter Pearson, Enoch Pearson and John Wakefield were unlawfully restrained of their liberty, and in discharging said Peter Pearson, Enoch Pearson and John Wakefield from custody, and in adjudging that they are lawfully entitled to remain in the United States.

In order that the foregoing assignment of errors may be and appear of record, this respondent presents the same to the court and prays that such disposition may be made thereof as in accordance with law and statutes of the United States in such cases made and provided, and respondent prays a reversal of the order entered herein May, 1904, and that the said writ of *habeas corpus* be dismissed.

Dated 10 June, 1904.

ROBERT A. PADDOCK,

Attorney for United States Commissioner of Immigration at the Port of New York, 49 Wall Street, Manhattan, New York.

(Endorsed:)—Circuit Court of the United States, Southern District of New York.—United States *ex rel.* Peter Pearson,
187 Enoch Pearson and John Wakefield against William Williams, United States Commissioner of Immigration at the Port of New York.—Assignment of Errors.—Robert A. Paddock, Atty. for Commissioner, 49 Wall Street, Manhattan, New York City. —U. S. Circuit Court, Southern District of New York. Filed Jun. 10, 1904.—John A. Shields, Clerk.

By the Honorable E. Henry Lacombe, one of the Judges of the Circuit Court of the United States for the Southern District of New York, in the Second Circuit.

To Peter Pearson, Enoch Pearson and John Wakefield, *Greeting:*

You are hereby cited and admonished to be and appear before a United States Circuit Court of Appeals for the Second Circuit, to be holden at the Borough of Manhattan, in the City of New York, in the District and Circuit above named, on the 12th day of July, 1904, pursuant to an appeal filed in the Clerk's Office of the Circuit Court of the United States for the Southern District of New York, wherein William Williams, United States Commissioner of Immigration at the Port of New York, is appellant and you are appellees, to show cause, if any there be, why the judgment or order in said appeal mentioned should not be corrected and speedy justice should not be done in that behalf.

Given under my hand at the Borough of Manhattan, in the City of New York, in the District and Circuit above named, this 10th day of June, in the year of our Lord one thousand nine hundred and four, and of the Independence of these United States the one hundred and twenty-ninth.

E. H. LACOMBE,
Judge of the Circuit Court of the United States for the Southern District of New York, in the Second Circuit.

188 (Endorsed:)—United States Circuit Court of Appeals, Second Circuit.—United States of America, *ex rel.* Peter Pearson, Enoch Pearson and John Wakefield, *vs.* William Williams, Commissioner of Immigration.—Citation.—A copy this day received. Jun. 10, 1904. Hoadly, Lauterbach & Johnson.—U. S. Circuit Court, Southern District of New York, Filed Jun. 10, 1904.—John A. Shields, Clerk.

UNITED STATES OF AMERICA,
Southern District of New York, ss:

I, John A. Shields, Clerk of the Circuit Court of the United States of America, for the Southern District of New York, in the second Circuit, do hereby certify that the foregoing pages, numbered from one to two hundred and ten inclusive, contain a true and complete transcript of the record and proceedings had in said Court, in the cause entitled William Williams, United States Commissioner of Immigration at the port of New York, Appellant, against Peter Pearson, Enoch Pearson and John Wakefield, Appellees, as the same remain of record and on file in my office.

In Testimony whereof, I have caused the seal of the said Court to be hereunto affixed, at the City of New York, in the Southern District of New York, in the Second Circuit, this 10th day of August, in the year of our Lord one thousand nine hundred and four, and of the Independence of the said United States the one hundred and twenty-ninth.

[SEAL]

JOHN A. SHIELDS, *Clerk.*

189 United States Circuit Court of Appeals for the Second Circuit.
No. 129.—October Term, 1904.

Argued January 27, 1905. Decided February 24, 1905.

WILLIAM WILLIAMS, as Commissioner of Immigration, Appellant,
vs.
PETER PEARSON ET AL., Appellees.

Appeal from the Circuit Court of the United States for the Southern District of New York.

Before Judges Wallace, Townsend and Coxe.

WALLACE, *Circuit Judge.*

This is an appeal by the Commissioner of Immigration at the Port of New York from an order in *habeas corpus* discharging the appellees from his custody. The appellees were aliens in the custody of the commissioner under a warrant of the Secretary of Commerce and Labor. They arrived at the Port of New York about February 1, 1904, and were detained for examination before a Board of Special Inquiry to ascertain whether they had come to this country in violation of law. The board, after hearing evidence, decided in their favor, and they were by its unanimous decision allowed to land. Thereafter, and on or about March 21, 1904, the Secretary of Commerce and Labor issued a warrant, under which they were held in custody by the appellant, pending an inquiry to ascertain whether they were here in violation of law as alien laborers who had come here under a previous contract to perform service. All the proceedings were had pursuant to the act of Congress of March 3, 1903, entitled "An Act to regulate the immigration of aliens into
190 the United States." The pertinent provisions of this act are these: Section 21 provides that in case the Secretary of the Treasury shall be satisfied that an alien has been found in the United States in violation of the act, he may cause such alien, within a period of three years after landing, to be taken into custody and deported. Section 24 provides that any alien who may appear to the examining immigrant inspector at the port of arrival not to be clearly and beyond doubt entitled to land shall be detained for examination in relation thereto by a Board of Special Inquiry. Section 25 provides that such board shall consist of three persons to be selected by the Commissioner-General of Immigration from the immigrant inspectors in his service, with the approval of the Secretary of the Treasury, and shall have authority to determine whether an alien who has been duly held shall be allowed to land or deported * * * and that the decision of any two members of the board shall prevail and be final; but that either the alien or any dissenting member of said board may appeal * * * to the Secretary of the Treasury whose decision shall be final.

The powers conferred by these provisions upon the Secretary of

the Treasury were subsequently vested in the Secretary of Commerce and Labor (Act of February 14, 1903).

It is insisted for the appellees, and this contention prevailed in the court below, that the decision of the Board of Special Inquiry, no appeal from it having been taken, was final. The examination before that board was addressed to the inquiry whether the aliens had come to this country in violation of law as contract laborers; and it is urged that the decision of the board is *res adjudicata* upon that question, and conclusive of their right to enter and remain.

We are of the opinion that the decision of the board has no other effect than a determination that the alien shall be permitted to land; that its functions are confined to this initial inquiry; and that it is competent for the Secretary of Commerce and Labor at
191 any subsequent time during the three years, upon becoming satisfied that the alien who has been allowed to enter is notwithstanding here in violation of law, to exercise the power of deportation. The board is a subordinate tribunal whose powers extend merely to the decision of the particular inquiry committed to it, and any adjudication beyond this, even if it were to be regarded as a judicial decision, would be *coram non judice*.

The existing provisions of law are substitutes for provisions of the earlier acts regulating the immigration of aliens. By Section 8 of the act of March 3, 1891, it was committed to the inspection officers at every place of arrival to detain alien immigrants for examination. They were authorized to administer oaths and take and consider testimony touching the right of such aliens to enter the United States, and it was provided that all decisions made by them "or their assistants" touching the right of any alien to land when adverse to such right should be final unless an appeal should be taken to the Superintendent of Immigration, and that his action should be subject to review by the Secretary of the Treasury. By Section 11 of that act it was provided that any alien who should come into the United States in violation of law might be returned as by law provided at any time within one year thereafter. By an act of October 19, 1888 (25 Stats. at L. 565), the Secretary of the Treasury had been authorized, in case he should be satisfied that an immigrant had been allowed to land contrary to the law prohibiting the immigration of laborers under previous contract, to cause the immigrant within the period of one year after landing or entering to be taken into custody and returned to the country whence he came. Speaking of these enactments in *Japanese Immigrant Case* (189 *U. S.*, 99), the Supreme Court used this language: "Taking all its enactments together, it is clear that Congress did not intend that the mere admission of an alien, or his mere entering the country, should place him at all times thereafter entirely beyond the control or authority of the executive officers of the government. On
192 the contrary, if the Secretary of the Treasury became satisfied that the immigrant had been allowed to land contrary to the prohibition of that law, then he could at any time within a year after the landing cause the immigrant to be taken into custody and deported. The immigrant must be taken to have entered subject to

he condition that he might be sent out of the country by order of he proper executive officers if within a year he was found to have een wrongfully admitted into it, or illegally entered the United tates." By the present act the time within which this power could e exercised by the Secretary of the Treasury was extended to the eriod of three years after the landing or entering of the immigrant, nd was subsequently transferred to the Secretary of Commerce and abor. It is the plain purpose of the drastic legislation embodied in he immigrant exclusion acts to provide every possible safe-guard gainst the abuse by aliens of the prohibited classes of the privilege f coming to or remaining within this country. There is no repug- ance between the power conferred upon the Board of Special Inquiry nd that conferred upon the secretary. The former is to be exercised ummarily, and while the immigrant is under detention awaiting he result of the inquiry. The board has no authority to compel the ttendance of witnesses, and must decide upon such evidence as is t hand or is readily accessible. Of necessity its decisions do not ave the quality of even approximate infallibility. It is hardly onceivable that Congress should have intended that such a decision hould be a final determination of the status of the alien. Mani- estly Congress intended not only that the secretary might review he question whether he should be allowed to enter upon an appeal rom the decision, but also that at any time within three years the ecretary should have the power to reconsider the broader question f the right of the alien to remain, and upon reaching an adverse onclusion to order his deportation. This is not a power to be exer- ised arbitrarily, and deportation is to be ordered only after giving the alien an opportunity to be heard upon the questions in-
193 volving his privilege. In the present case before deportation of the aliens had been ordered they were heard; and it is o be presumed that the power of deportation would not have been xercised unless after a fair hearing the secretary had become con- vinced that they were here in violation of law.

The order is reversed, with instructions to remand petitioners to ustody of the respondent.

Judge Coxe dissents.

W. M. Byrne, for the Appellant.
Eugene Treadwell, for the Appellees.

194 At a Stated Term of the United States Circuit Court of Appeals, in and for the Second Circuit, held at the Court Rooms in the Post Office Building in the City of New York, on the 7th day of March one thousand nine hundred and five.

Present: Hon. William J. Wallace, Hon. William K. Townsend, Hon. Alfred C. Coxe, Circuit Judges.

WILLIAM WILLIAMS, as Commissioner of Immigration, Appellant,
vs.
PETER PEARSON ET AL., Appellees.

Appeal from the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of record from the Circuit Court of the United States, for the Southern District of New York, and was argued by counsel.

On consideration whereof, it is now hereby ordered, adjudged and decreed that the order of said Circuit Court be and it hereby is reversed, and with instructions to remand the petitioner to the custody of the respondent.

W. J. W. It is further ordered that a Mandate issue to the said
A. C. C. Circuit Court in accordance with this decree.

195 Endorsed: United States Circuit Court of Appeals, Second Circuit. Wm. Williams *vs.* Peter Pearson. Order for Mandate. United States Circuit Court of Appeals Second Circuit. Filed Mar. 9, 1905. William Parkin, Clerk.

196 UNITED STATES OF AMERICA,
Southern District of New York, ss:

I, William Parkin, Clerk of the United States Circuit Court of Appeals for the Second Circuit, do hereby Certify that the foregoing pages, numbered from 1 to 195 inclusive, contain a true and complete transcript of the record and proceedings had in said Court, in the case of Wm. Williams, Commissioner of Immigration, against Peter Pearson, as the same remain of record and on file in my office.

In testimony whereof, I have caused the seal of the said Court to be hereunto affixed, at the City of New York, in the Southern District of New York, in the Second Circuit, this 7th day of April, in the year of our Lord, One Thousand Nine Hundred and Five and of the Independence of the said United States the One Hundred and Twenty-ninth.

[Seal United States Circuit Court of Appeals, Second Circuit.]

WM. PARKIN, *Clerk.*

197 UNITED STATES OF AMERICA, *ss:*

The President of the United States of America to the Honorable the Judges of the United States Circuit Court of Appeals for the Second Circuit, Greeting:

[Seal of the Supreme Court of the United States.]

Being informed that there is now pending before you a suit in which William Williams, United States Commissioner of Immi-

gration at the Port of New York, is appellant, and Peter Pearson, Enoch Pearson, and John Wakefield are appellees, which suit was removed into the said Circuit Court of Appeals by virtue of an appeal from the Circuit Court of the United States for the Southern District of New York, and we, being willing for certain reasons that the said cause and the record and proceedings therein should be certified by the said Circuit Court of Appeals and removed
198 into the Supreme Court of the United States, do hereby command you that you send without delay to the said Supreme Court, as aforesaid, the record and proceedings in said cause, so that the said Supreme Court may act thereon as of right and according to law ought to be done.

Witness the Honorable Melville W. Fuller, Chief Justice of the United States, the ninth day of May, in the year of our Lord one thousand nine hundred and five.

JAMES H. McKENNEY,
Clerk of the Supreme Court of the United States.

199 [Endorsed:] File No. 19,722. Supreme Court of the United States. No. 622, October Term, 1904. Peter Pearson and Enoch Pearson *vs.* William Williams, U. S. Commissioner &c. Writ of Certiorari.

[Stamp:] United States Circuit Court of Appeals Second Circuit. Filed May 26, 1905. William Parkin, Clerk.

200 United States Circuit Court of Appeals for the Second Circuit.

WILLIAM WILLIAMS, United States Commissioner of Immigration at the Post of New York, Appellant,
vs.
PETER PEARSON, ENOCH PEARSON, and JOHN WAKEFIELD, Appellees.

It is hereby stipulated that the transcript already filed in the Clerk's office of the Supreme Court of the United States with the petition for the writ of certiorari, be taken as a return to said writ, dated the ninth day of May, 1905.

H. M. HOYT,
Solicitor General.
EUGENE TREADWELL,
Counsel for Peter Pearson and Enoch Pearson.

Endorsed: U. S. Circuit Court of Appeals, Second Circuit. Wm. Williams, United States Commissioner of Immigration at the Port of New York, Appellant, *vs.* Peter Pearson, Enoch Pearson and John Wakefield, Appellees. Stipulation. Hoadly, Lauterbach & Johnson, 22 William Street, New York City. United States Circuit Court of Appeals, Second Circuit. Filed May 26, 1905. William Parkin, Clerk.

201 To the Supreme Court of the United States, Greeting:

The record and all proceedings wherein mention is within made having lately been certified and filed in the office of the Clerk of the Supreme Court of the United States, a copy of the stipulation of counsel is hereto annexed and certified as a return to the writ of certiorari issued herein.

New York, May 26th, 1905.

[Seal United States Circuit Court of Appeals, Second Circuit.]

WM. PARKIN,
Clerk of the United States Circuit Court of Appeals for the Second Circuit.

202 [Endorsed:] United States Circuit Court of Appeals, Second Circuit. Wm. Williams, etc. *v.* Peter Pearson *et al.* Return to certiorari.

203 [Endorsed:] File No. 19,722. Supreme Court U. S. October Term, 1905. Term No. 237. Peter Pearson *et al.*, Petitioners, *vs.* William Williams U. S. Commissioner of Immigration &c. Writ of Certiorari and return. Filed June 1st, 1905.